

CHARTER  
AND  
GENERAL ORDINANCES  
OF THE  
CITY OF MADISON. WIS.  
TOGETHER WITH THE  
RULES OF ORDER OF THE COMMON COUNCIL,  
AND A COMPLETE  
LIST OF THE OFFICERS OF THE CITY  
FROM 1856 TO 1904.

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COMPILED BY  
**F. W. LUCAS,**  
Under the direction of the City Clerk and City Attorney,  
AND  
REVISED BY THE JUDICIARY COMMITTEE OF THE COUNCIL.

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MADISON, WIS.  
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# List of Officers of the City of Madison

FROM ITS INCORPORATION IN 1856, TO AND INCLUDING THE  
YEAR 1904.

1856.

*Mayor*—JAIRUS C. FAIRCHILD.

*Clerk*—WILLIAM N. SEYMOUR.

*Treasurer*—JOHNSON J. STARKS.

*Police Justice*—ARTHUR B. BRALEY.

*Street Superintendent*—(Senior Aldermen).

*Marshal*—FRED. MOHR.

*City Attorney*—DAVID R. COIT.

*City Surveyor*—PATRICK W. McCABE.

## ALDERMEN.

*First Ward*—ABIEL E. BROOKS, THOMAS HEERAN, ADAM KRAETZ.

*Second Ward*—NAPOLEON B. VAN SLYKE, JOHN N. JONES, DAVID J.  
POWERS.

*Third Ward*—CHARLES GEORGE MAYERS, \*PETER H. VANBERGEN,  
†WILLIAM F. BAKER, ALGERNON S. WOOD.

*Fourth Ward*—SETH M. VAN BERGEN, JOSEPH HOBBS, TIMOTHY KINNEY.

\*Resigned. †Elected August 28, 1856.

1857.

*Mayor*—AUGUSTUS A. BIRD.

*Clerk*—\*WILLIAM N. SEYMOUR.

†STEPHEN H. CARPENTER.

*Treasurer*—FRED. SAUTHOFF.

*Police Justice*—ARTHUR B. BRALEY.

*Street Superintendent*—(Senior Aldermen).

*Chief of Police*—ANDREW BISHOP.

*City Attorneys*—ABBOTT, CLARK & COIT.

*City Surveyor*—WILLIAM M. HOUGH.

\* Disabled by stroke of paralysis. † Elected October 7, 1857.

## ALDERMEN.

*First Ward*—ABIEL E. BROOKS, THOMAS HEERAN, CASPER ZWICKY.

*Second Ward*—NAPOLEON B. VAN SLYKE, DAVID J. POWERS, ‡JULIUS T. CLARK.

*Third Ward*—CHARLES GEORGE MAYERS, JOHN G. GRIFFIN, DAVID R. HYER.

*Fourth Ward*—SETH M. VAN BERGEN, TIMOTHY KINNEY, JOSEPH HOBBS.

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‡Resigned March 3, 1858. Vacancy filled at charter election.

## 1858.

*Mayor*—GEORGE B. SMITH.

*Clerk*—HENRY WRIGHT.

*Treasurer*—JAMES K. PROUDFIT.

*Police Justice*—ARTHUR B. BRALEY.

*Street Superintendent*—SIMEON MILLS.

*City Attorney*—SILAS U. PINNEY.

*City Surveyor*—\*WILLIAM M. HOUGH.

†LEVI P. DRAKE.

*City Assessor*—HENRY K. EDGERTON.

## ALDERMEN.

*First Ward*—THOMAS HEERAN, A. SHERWIN, SIMON SECKLES.

*Second Ward*—DAVID J. POWERS, ELI S. OAKLEY, JAMES JACK.

*Third Ward*—JOHN G. GRIFFIN, DARWIN CLARK, CHRISTIAN HINRICHS.

*Fourth Ward*—TIMOTHY KINNEY, CASSIUS FAIRCHILD, PATRICK L. DOWLING.

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\*Died. †Elected December 20, 1858.

## 1859.

*Mayor*—GEORGE B. SMITH.

*Clerk*—CHARLES GEORGE MAYERS.

*Treasurer*—ANDREW SEXTON.

*Police Justice*—ARTHUR B. BRALEY.

*Street Superintendent*—\*SIMEON MILLS.

†WILLARD KNIGHT.

*Chief of Police*—JOHN SHEALEY.

*City Attorney*—JOHN R. BALTZELL.

*City Surveyor*—J. A. LIGOWSKI.

*City Assessor*—HENRY WRIGHT.

## ALDERMEN.

*First Ward*—A. SHERWIN, JOHN ZEHNPFENNIG, WILLIAM DUDLEY.*Second Ward*—ERI S. OAKLEY, JOSEPH BAYER, WILLIAM HAWLEY.*Third Ward*—DARWIN CLARK, FRED. C. FESTNER, EZRA C. SQUIRES.*Fourth Ward*—CASSIUS FAIRCHILD, JOHN A. BYRNE, JOSEPH HOBBS.

\*Resigned. †Elected May 23, 1859.

1860.

*Mayor*—GEORGE B. SMITH.*Clerk*—CHARLES GEORGE MAYERS.*Treasurer*—J. C. SCHETTE.*Police Justice*—ARTHUR B. BRALEY.*Street Superintendent*—\*JAMES P. SLAVAN.*Chief of Police*—†FRED. S. VAN BERGEN.*City Attorney*—CALVIN AINSWORTH.*City Surveyor*—PATRICK W. McCABE.*City Assessor*—DAVID H. WRIGHT.

## ALDERMEN.

*First Ward*—JOHN ZEHNPFENNIG, FARRELL O'BRYAN, PETER H. TURNER.*Second Ward*—JOSEPH BAYER, JAMES W. SUMNER, DANIEL K. TENNEY.*Third Ward*—FRED. C. FESTNER, DARWIN CLARK, KYRON TIERNEY.*Fourth Ward*—JOHN A. BYRNE, TIMOTHY KINNEY, JOHN Y. SMITH.

\*Resigned Jan. 5, 1861. †Elected Jan. 5, 1861.

1861.

*Mayor*—LEVI B. VILAS.*Clerk*—\*CHARLES GEORGE MAYERS.

†WILLIAM A. HAYES.

*Treasurer*—FRED. C. FESTNER.*Police Justice*—ARTHUR B. BRALEY.*Street Superintendent and Chief of Police*—F. S. VAN BERGEN.*City Surveyor*—LEVI P. DRAKE.*City Assessor*—GEORGE H. BARWISE.

## ALDERMEN.

*First Ward*—FARRELL O'BRYAN, ‡GEORGE E. BRYANT, PETER H. TURNER.*Second Ward*—JAMES W. SUMNER, DANIEL K. TENNEY, J. ALDER ELLIS.*Third Ward*—DARWIN CLARK, KYRON TIERNEY, JOHN GEORGE OTT.*Fourth Ward*—TIMOTHY KINNEY, GEORGE B. SECKLES, JOHN Y. SMITH.

\*Resigned Nov. 14, 1861. †Elected Nov., 1861. ‡Resigned Feb. 24, 1862. Vacancy unfilled until charter election, April 1, 1862.



## 1862.

*Mayor*—WILLIAM T. LEITCH.

*Clerk*—WILLIAM A. HAYES.

*Treasurer*—FRED. B. HUCHTING.

*Police Justice*—CALVIN AINSWORTH.

*Street Superintendent and Chief of Police*—ANDREW BISHOP.

*City Attorneys*—\*WAKELEY & VILAS.

*City Surveyor*—LEVI P. DRAKE.

*City Assessor*—PETER H. TURNER.

## ALDERMEN.

*First Ward*—†JOHN KAVANAUGH, ELIAB B. DEAN, JR. GOTTLIEB GRIMM.

*Second Ward*—‡DANIEL K. TENNEY, §JAIRUS H. CARPENTER, TRUMAN E. BIRD, A. C. DAVIS.

*Third Ward*—KYRON TIERNEY, C. W. HEYL. \*\*W. M. RASDALL, §JAMES ROSS.

*Fourth Ward*—‡‡GEORGE B. SEEKELS, ED. C. KAVANAUGH, CHARLES H. LUCE, §JOHN DUNN.

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\*Appointed Sept. 16, 1862. †To fill vacancy. ‡Resigned Sept. 15, 1862. §Elected Sept. 29, 1862. \*\*Resigned Sept. 18, 1862. ‡‡Resigned Sept. 15, 1862.

## 1863.

*Mayor*—WILLIAM T. LEITCH.

*Clerk*—WILLIAM A. HAYES.

*Treasurer*—C. W. HEYL.

*Police Justice*—CALVIN AINSWORTH.

*Street Superintendent and Chief of Police*—A. BISHOP.

*City Attorney*—CHARLES T. WAKELEY.

*City Surveyor*—PATRICK W. McCABE.

*City Assessor*—\*PETER H. TURNER.

FRED. MOHR.

## ALDERMEN.

*First Ward*—ELIAB B. DEAN, JR., JOHN MONAGHAN, JOHN ZEHNPFENNIG.

*Second Ward*—TRUMAN E. BIRD, JAIRUS H. CARPENTER, HENRY M. LEWIS.

*Third Ward*—†C. W. HEYL, ‡KYRON TIERNEY, JAS. ROSS, §JOHN T. STEVENS, \*\*HENRY WINCKLER.

*Fourth Ward*—ED. C. KAVANAUGH, §HIRAM N. MOULTON, \*\*TIMOTHY KINNEY, §JOSEPH HOBBS, \*\*J. M. DICKINSON.

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\*Resigned. FRED MOHR appointed May 2, 1863. †Resigned April 10, 1863. ‡Elected April 17, 1863. §Resigned Dec. 28, 1863. \*\*Elected Jan. 6, 1864.

1864.

*Mayor*—WILLIAM T. LEITCH.*City Clerk*—\*WILLIAM A. HAYES.

†STEPHEN H. CARPENTER.

*Treasurer*—C. W. HEYL.*Police Justice*—JAMES M. FLOWER.*Street Superintendent and Chief of Police*—JOHN R. HYLAND.*City Attorney*—JOHN R. BALTZELL.*City Surveyor*—PATRICK McCABE.*City Assessor*—JOHN REYNOLDS.

## ALDERMEN.

*First Ward*—JOHN MONAGHAN, ANDREW WALD, ‡EBENEZER SPRAGUE,  
§ARTHUR B. BRALEY.*Second Ward*—JAIRUS H. CARPENTER, HENRY M. LEWIS, TIMOTHY BROWN.*Third Ward*—JAMES ROSS, KYRON TIERNEY, ERNEST DOERSCHLAG.*Fourth Ward*—TIMOTHY KINNEY, J. M. DICKINSON, GEORGE D. LINCOLN.

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\*Resigned June 11, 1864. †Elected June 11, 1864. ‡Resigned June 3, 1864.  
§Elected June 14, 1864.

1865.

*Mayor*—ELISHA W. KEYES.*Clerk*—STEPHEN H. CARPENTER.*Treasurer*—JOHN REYNOLDS.*Police Justice*—JAMES M. FLOWER.*Street Superintendent and Chief of Police*—IRA W. BIRD.*City Attorney*—HENRY W. TENNEY.*City Surveyor*—\*PATRICK W. McCABE.

†LEVI P. DRAKE.

*City Assessor*—WILLIAM T. LEITCH.

## ALDERMEN.

*First Ward*—ANDREW WALD, ARTHUR B. BRALEY, JOHN HEERAN*Second Ward*—HENRY M. LEWIS, L. S. INGMAN, JOHN CORSCOT.*Third Ward*—KYRON TIERNEY, EBENEZER SPRAGUE, AUGUST HERFURTH.*Fourth Ward*—‡J. M. DICKINSON, §SILAS U. PINNEY, THADDEUS W. GIBBS,  
JOHNSON J. STARKS.

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\*Removed July 14, 1865. †Elected July 14, 1865. ‡Resigned June 2, 1865. §Elected  
June 9, 1865.



1866.

*Mayor*—ELISHA W. KEYES.*Clerk*—STEPHEN H. CARPENTER.*Treasurer*—STEPHEN V. SHIPMAN.*Police Justice*—JOHN R. BALTZELL.*Street Superintendent*—IRA W. BIRD.*Chief of Police*—BEN. F. LARKIN.*City Attorney*—CHARLES T. WAKELEY.*City Surveyor*—LEVI P. DRAKE.*City Assessor*—CHARLES GEORGE MAYERS.

## ALDERMEN.

*First Ward*—ARTHUR B. BRALEY, JAMES CONKLIN, HANNIBAL LACHEUR.*Second Ward*—L. S. INGMAN, HENRY M. LEWIS, JOHN CORSCOT.*Third Ward*—EBENEZER SPRAGUE, KYRON TIERNEY, B. M. NIENABER.*Fourth Ward*—THAD. W. GIBBS, \*GEO. W. McDOUGAL, †WALDO ABELL,

‡L. D. STONE, J. C. MCKINNEY.

\*Failed to qualify. †Elected April 25, 1866. Resigned November 1, 1866. ‡Elected December 17, 1866.

1867.

*Mayor*—ALDEN S. SANBORN.*Clerk*—STEPHEN H. CARPENTER.*Treasurer*—GEORGE MEMHARD.*Police Justice*—JOHN R. BALTZELL.*Street Superintendent*—ANDREW BISHOP.*Chief of Police*—\*WILLIAM HICKEY.

†JOHN SHEALEY.

*City Attorney*—CHARLES T. WAKELEY.*City Surveyor*—PATRICK W. McCABE.*City Assessor*—‡THOMAS C. BOURKE.

## ALDERMEN.

*First Ward*—JAMES CONKLIN, ROBERT NICHOLS, SAMUEL ENGEL.*Second Ward*—HENRY M. LEWIS, MYRON T. BAILEY, A. RILEY JONES.*Third Ward*—KYRON TIERNEY, H. CHRISTOFFERS, PETER B. KISSAM.*Fourth Ward*—L. D. STONE, HIRAM N. MOULTON, SIMON FORAN.

\*Removed October 11, 1867. †Appointed November 26, 1867. ‡Elected September 6, 1867.

## 1868.

*Mayor*—DAVID ATWOOD.

*Clerk*—†STEPHEN H. CARPENTER.

‡JOHN CORSCOT.

*Treasurer*—JAMES CONKLIN.

*Police Justice*—JOHN R. BALTZELL.

*Street Superintendent*—ANDREW BISHOP.

*Chief of Police*—JOSHUA W. TOLFORD.

*City Attorney*—ARTHUR B. BRALEY.

*City Surveyor*—PATRICK W. McCABE.

*City Assessor*—\*THOMAS C. BOURKE.

## ALDERMEN.

*First Ward*—ROBERT NICHOLS, SAMUEL ENGEL, ANTHONY MCGOVERN.

*Second Ward*—MYRON T. BAILEY, ROBERT WOOTTON, HALLE STEENSLAND.

*Third Ward*—H. CHRISTOFFERS, PETER B. KISSAM, OLE THOMPSON.

*Fourth Ward*—HIRAM N. MOULTON, L. D. STONE, AUGUSTUS S. FRANK.

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\*Term expires Sept. 7, 1868. †Resigned Sept. 22, 1863. ‡Elected Sept. 22, 1868.

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## 1869.

*Mayor*—ANDREW PROUDFIT.

*Cty Clerk*—JOHN CORSCOT.

*Treasurer*—WILLIAM HABICH.

*Police Justice*—JOHN R. BALTZELL.

*Street Superintendent*—ANDREW BISHOP.

*Chief of Police*—THEODORE C. BOTSFORD.

*City Attorney*—ALDEN S. SANBORN.

*City Surveyor*—PATRICK W. McCABE.

*City Assessor*—N. L. ANDREWS.

## ALDERMEN.

*First Ward*—FERDINAND DAUBNER, GEORGE ANDERSON, D. K. TENNEY.

*Second Ward*—ROBERT WOOTTON, MYRON T. BAILEY, \*A. R. JONES, †WALTER DEARDS.

*Third Ward*—§PETER B. KISSAM, \*\*HENRY WINKLER, JOHN M. BOWMAN, ¶JOHN GEORGE OTT.

*Fourth Ward*—L. D. STONE, SINON FOREN, PETER YOUNG.

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\*Resigned December 4, 1869. †Elected December 14, 1869. \*\*Resigned January 8, 1870. ¶Elected February 15, 1870. §Resigned February 21, 1870.

## 1870.

*Mayor*—ANDREW PROUDFIT.

*City Clerk*—JOHN CORSCOT.

*Treasurer*—ANDREW PICKARTS.

*Police Justice*—JOHN R. BALTZELL.

*Street Superintendent*—ANDREW BISHOP.

*Chief of Police*—JOHN SHEALEY.

*City Attorney*—ALDEN S. SANBORN.

*City Surveyor*—PATRICK W. McCABE.

*City Assessor*—N. L. ANDREWS.

## ALDERMEN.

*First Ward*—GEORGE ANDERSON, FERDINAND DAUBNER, FARRELL O'BRYAN.

*Second Ward*—MYRON T. BAILEY, WALTER DEARDS, ANDREW DAUBNER.

*Third Ward*—JOHN GEO. OTT, JOHN M. BOWMAN, W. H. KARN.

*Fourth Ward*—SINON FOREN, JAMES ROSS, H. N. MOULTON.

## 1871.

*Mayor*—J. B. BOWEN.

*City Clerk*—JOHN CORSCOT.

*Treasurer*—JOHN LEWIS.

*Police Justice*—JOHN R. BALTZELL.

*Street Superintendent*—ANDREW BISHOP.

*Chief of Police*—CHAS. C. HAMMER.

*City Attorney*—J. C. FORD.

*City Surveyor*—PATRICK W. McCABE.

*City Assessor*—N. L. ANDREWS.

## ALDERMEN.

*First Ward*—FERDINAND DAUBNER, JAMES CONKLIN, \*HENRY VIETAS,  
†GEO. BUNKER.

*Second Ward*—WALTER DEARDS, A. DAUBNER, C. P. CHAPMAN.

*Third Ward*—J. M. BOWMAN, JOHN GEO. OTT, W. H. KARN.

*Fourth Ward*—JAMES ROSS, THOS. DEAN, ESTES WILSON.

\*Resigned December 2, 1871. †Elected December 28, 1871.

1872.

*Mayor*—JAMES L. HILL.*City Clerk*—JOHN CORSCOT.*Treasurer*—CHAS. GEO. MAYERS.*Police Justice*—ARTHUR B. BRALEY.*Street Superintendent and City Surveyor*—\*LEVI P. DRAKE.*Chief of Police and Street Supt.*—†ANDREW BISHOP.*City Attorney*—J. C. FORD.*City Assessor*—N. L. ANDREWS.

## ALDERMEN.

*First Ward*—F. DAUBNER, EMANUEL COOK, GEO. BUNKER.*Second Ward*—WALTER DEARDS, ROBERT WOOTON, C. P. CHAPMAN.*Third Ward*—J. M. BOWMAN, FRANK M. DORN, \*\*JOHN LEWIS, ††W. H. KARN.*Fourth Ward*—JAMES ROSS, ADRIAN WEBSTER, ESTES WILSON.

\*Resigned December 7, 1872. †Elected December 7, 1872.

\*\*Resigned May 4, 1872. ††Elected May 20, 1872.

1873.

*Mayor*—J. C. GREGORY.*City Clerk*—JOHN CORSCOT.*Treasurer*—WILLIAM FARRELL.*Police Justice*—ARTHUR B. BRALEY.*Street Supt. and Chief of Police*—ANDREW BISHOP.*City Attorney*—CHAS. K. TENNEY.*City Assessor*—WM. T. LEITCH.*City Surveyor*—JAMES QUIRK.

## ALDERMEN.

*First Ward*—GEO. BUNKER, JOHN HEERAN, EMANUEL COOK.*Second Ward*—ROBERT WOOTON, C. P. CHAPMAN, ANDREW DAUBNER.*Third Ward*—FRANK M. DORN, HERMAN KLUETER, DARWIN CLARK.*Fourth Ward*—ADRIAN WEBSTER, ANDREW SEXTON, THOMAS DEAN.



1874.

*Mayor*—SILAS U. PINNEY.*City Clerk*—JOHN CORSCOT.*Treasurer*—GOTTLIEB GRIMM.*Judge of Municipal Court*—ARTHUR B. BRALEY.*Street Supt. and Chief of Police*—ANDREW BISHOP.*City Attorney*—CHAS. K. TENNEY.*City Surveyor*—JAMES QUIRK.*City Assesor*—WM. T. LEITCH.

## ALDERMEN.

*First Ward*—GEORGE BUNKER, GEORGE MEMHARD, THOMAS HAYDEN.*Second Ward*—CHANDLER P. CHAPMAN, T. B. WORTHINGTON, W. K. BARNEY.*Third Ward*—HERMAN KLUETER, DARWIN CLARK, FRANK M. DORN.*Fourth Ward*—ANDREW SEXTON, PHILIP L. SPOONER, JR., MICHAEL P. WALSH.

1875.

*Mayor*—SILAS U. PINNEY.*Clerk*—JOHN CORSCOT.*Treasurer*—THOMAS P. COYNE.*Judge of Municipal Court*—ARTHUR B. BRALEY.*Street Supt. and Chief of Police*—ANDREW BISHOP.*City Attorney*—CHAS. K. TENNEY.*City Surveyor*—†JAMES QUIRK.*City Assessor*—WILLIAM T. LEITCH.

## ALDERMEN.

*First Ward*—GEOGRE MEMHARD, HARRY OAKEY, THOMAS HAYDEN.*Second Ward*—T. B. WORTHINGTON, ALDEN S. SANBORN, NELS FREDERICKSON.*Third Ward*—DARWIN CLARK, CHARLES BIEDERSTAEDT, WILLIAM WELCH.*Fourth Ward*—PHIL L. SPOONER, JR., MICHAEL P. WALSH, PETER YOUNG

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†Resigned Oct. 2, 1875.



1876.

*Mayor*—JOHN N. JONES.*Clerk*—JOHN CORSCOT.*Treasurer*—ROBERT J. McCONNELL.*Judge of Municipal Court*—ARTHUR B. BRALEY.*Street Superintendent*—JOHN NADER.*Chief of Police*—FRANK M. DORN.*City Attorney*—WM. WELCH.*City Surveyor*—\*JOHN NADER.*City Assessor*—THEODORE HERFURTH.

## ALDERMEN.

*First Ward*—WILLIAM T. FISH, ALEXANDER GILL, GEORGE MEMHARD.*Second Ward*—ALDEN S. SANBORN, JAMES E. RHODES, STEPHEN A. HALE.*Third Ward*—CHARLES F. BIEDERSTAEDT, ERNST MILLER, WM. WELCH.*Fourth Ward*—MICHAEL P. WALSH, W. J. L. NICODEMUS, DANIEL CAMPBELL.*Fifth Ward*—HARRY OAKEY, JAMES CONKLIN, JACOB SILBERNAGEL.

\*Elected May 6, 1876.

1877.

*Mayor*—HARLOW S. ORTON.*Clerk*—JOHN CORSCOT.*Treasurer*—MICHAEL J. CANTWELL.*Judge of Municipal Court*—ARTHUR B. BRALEY.*Street Supt. and Chief of Police*—ANDREW BISHOP.*City Attorney*—\*CHARLES K. TENNEY.*City Surveyor*—†JOHN NADER.*City Assessor*—CHARLES G. MAYERS.

## ALDERMEN.

*First Ward*—WILLIAM T. FISH, WILLIAM A. BOOTH, JOSEPH SCHWEINEM.*Second Ward*—JAMES E. RHODES, JOHN LAMONT, WILLIAM HABICH.*Third Ward*—ERNST MUELLER, WILLIAM H. LANSING, AUGUST RAMTHUN.*Fourth Ward*—W. J. L. NICODEMUS, JOHN E. HAYES, A. M. DAGGETT.*Fifth Ward*—JAMES CONKLIN, JACOB SILBERNAGEL, NEWELL H. DODGE.

\*Elected May 5, 1877. †Elected May 5, 1877.

## 1878.

*Mayor*—GEORGE B. SMITH.

*Clerk*—JOHN CORSCOT.

*Treasurer*—ANDREW DAUBNER.

*Judge of Municipal Court*—ARTHUR B. BRALEY.

*Street Supt. and Chief of Police*—ANDREW BISHOP.

*City Attorney*—\*RUFUS B. SMITH.

*City Surveyor*—JOHN NADER.

*City Assessor*—CHARLES G. MAYERS.

## ALDERMEN.

*First Ward*—WILLIAM A. BOOTH, WILLIAM T. FISH, JOHN HESS.

*Second Ward*—JOHN LAMONT, W. W. POLLARD, J. L. W. NEWTON.

*Third Ward*—WILLIAM H. LANSING, B. BISCHOFF, WILLIAM FARRELL.

*Fourth Ward*—JOHN E. HAYES, ROGER C. SPOONER, MICHAEL P. WALSH.

*Fifth Ward*—JACOB SILBERNAGEL, PATRICK O'LAUGHLIN, ‡N. A. CRAMP-  
TON.

\*Elected May 4, 1878. ‡Resigned March 1, 1879.

## 1879.

*Mayor*—JOHN R. BALTZELL.

*Clerk*—JOHN CORSCOT.

*Treasurer*—M. S. ROWLEY.

*Judge of Municipal Court*—ARTHUR B. BRALEY.

*Street Supt. and Chief of Police*—ANDREW BISHOP.

*City Attorney*—RUFUS B. SMITH.

*City Surveyor*—JOHN NADER.

*City Assessor*—CHARLES G. MAYERS.

## ALDERMEN.

*First Ward*—WILLIAM T. FISH, WILLIAM HOBBS, GEORGE W. GARRET.

*Second Ward*—W. W. POLLARD, L. S. INGMAN, WILLIAM H. ROGERS.

*Third Ward*—B. BISCHOFF, JOHN ANTON STEINLE, A. G. BARKER.

*Fourth Ward*—ROGER C. SPOONER, †A. H. WEST, H. H. GILES, ‡WILLIAM  
GILLET.

*Fifth Ward*—PATRICK O'LAUGHLIN, HARRY OAKEY, JACOB SILBERNAGEL.

†Died August 26, 1879. ‡Elected November 4, 1879, to fill vacancy.

## 1880.

*Mayor*—PHILIP L. SPOONER, JR.*Clerk*—JOHN CORSCOT.*Treasurer*—ANTHONY DONOVAN.*Judge of Municipal Court*—ARTHUR B. BRALEY.*Street Superintendent*—ANDREW BISHOP.*Chief of Police*—\*BENJAMIN D. MINER, †JOHN L. LEWIS.*City Attorney*—FRANK E. PARKINSON.*City Surveyor*—JOHN NADER.*City Assessor*—CHARLES G. MAYERS.

## ALDERMEN.

*First Ward*—WILLIAM HOBBS, ALEXANDER GILL, THOMAS C. BOURKE.*Second Ward*—L. S. INGMAN, A. H. HOLLISTER, W. W. POLLARD.*Third Ward*—JOSEPH ANTON STEINLE, DEXTER CURTIS, CHRISTIAN R. STEIN.*Fourth Ward*—WILLIAM GILLET, WILLIAM STORM, VALENTINE BECK.*Fifth Ward*—HARRY OAKLEY, JOHN R. MELVIN, HENRY SCHELER.

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\*Resigned March 5th, 1881. †Appointed March 5th, 1881, to fill vacancy.

## 1881.

*Mayor*—JAMES CONKLIN.*Clerk*—JOHN CORSCOT.*Treasurer*—ANDREW DAUBNER.*Judge of Municipal Court*—ARTHUR B. BRALEY.*Street Supt. and Chief of Police*—ANDREW BISHOP.*City Attorney*—ROBERT M. BASHFORD.*City Surveyor*—§ALLAN D. CONOVER, \*JOHN NADER.*City Assessor*—CHARLES G. MAYERS.

## ALDERMEN.

*First Ward*—ALEXANDER GILL, THOMAS C. BOURKE, B. M. MINCH.*Second Ward*—A. H. HOLLISTER, JOHN B. HEIM, PATRICK BOYD.*Third Ward*—DEXTER CURTIS, BENJAMIN WARNES, WILLIAM HEITKAMP*Fourth Ward*—WILLIAM STORM, JOHN H. CLARK, SINON FOREN.*Fifth Ward*—JOHN R. MELVIN, JACOB J. SILBERNAGEL, ‡J. W. CORNELIUS.

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\*Elected June 4, 1881, and resigned March 4, 1882. ‡Resigned September 3, 1881.  
§Elected April 1, 1882, to fill vacancy.

## 1882.

*Mayor*—JAMES CONKLIN.

*Clerk*—JOHN CORSCOT.

*Treasurer*—WILLIAM A. BOOTH.

*Judge of Municipal Court*—ARTHUR B. BRALEY.

*Street Superintendent*—ANDREW BISHOP.

*Chief of Police*—JOHN L. LEWIS.

*City Attorney*—ROBERT M. BASHFORD.

*City Surveyor*—ALLAN D. CONOVER.

*City Assessor*—CHARLES G. MAYERS.

*Water Works Superintendent*—†JOHN B. HEIM.

## ALDERMEN.

*First Ward*—THOMAS C. BOURKE, CHARLES N. GREGORY, B. M. MINCH.

*Second Ward*—‡JOHN B. HEIM, PATRICK BOYD, JOHN LAMONT.

*Third Ward*—BENJAMIN WARNES, DEXTER CURTIS, STEPHEN C. BASS.

*Fourth Ward*—JOHN H. CLARK, WILLIAM TRAINOR, WILLIAM GILLET.

*Fifth Ward*—JACOB J. SILBERNAGEL, EVERETT A. HAYES, JOHN R. MELVIN.

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†Elected Oct. 10, 1882. ‡Resigned Oct. 10, 1882.

## 1883.

*Mayor*—JAMES CONKLIN.

*Clerk*—JOHN CORSCOT.

*Treasurer*—SINON FOREN.

*Judge of Municipal Court*—ARTHUR B. BRALEY.

*Street Superintendent*—ANDREW BISHOP.

*Chief of Police*—JOHN L. LEWIS.

*City Attorney*—ROBT. M. BASHFORD.

*City Surveyor*—ALLAN D. CONOVER.

*City Assessor*—\*CHARLES G. MAYERS.

*Water Works Superintendent*—†JOHN B. HEIM.

## ALDERMEN.

*First Ward*—CHAS. N. GREGORY, JAMES CASSERLY, FERDINAND DAUBNER.

*Second Ward*—PATRICK BOYD, WM. H. ROGERS, CHRISTIAN LAURENCE.

*Third Ward*—DEXTER CURTIS, H. N. MOULTON, ERNEST MUELLER.

*Fourth Ward*—WILLIAM TRAINOR, FRANK F. PROUDFIT, JOHN H. STARCK.

*Fifth Ward*—\*EVERETT A. HAYES, JAMES KELLY, PETER GUNKEL, †JOHN R. MELVIN.

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\*Term expires September 15, 1883. †Term expires October 10, 1883.

\*Resigned June 2, 1883. ‡Elected June 9, 1883, to fill vacancy.



1884.

*Mayor*—BREESE J. STEVENS.*Clerk*—JOHN CORSCOT.*Treasurer*—GEORGE SCHERER.*Judge of Municipal Court*—A. B. BRALEY.*Street Superintendent*—ANDREW BISHOP.*Chief of Police*—JOHN L. LEWIS.*City Attorney*—R. M. BASHFORD.*City Surveyor*—JOHN NADER.*City Assessor*—CHAS. GEO. MAYERS.*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—FERDINAND DAUBNER, CHAS. N. GREGORY, JAMES CASSERLY.*Second Ward*—M. J. CANTWELL, MARTIN HINRICHS, W. H. ROGERS.*Third Ward*—H. N. MOULTON, A. STEINLE, ERNST MUELLER.*Fourth Ward*—RICHARD CUMMINGS, A. W. POTTER, F. F. PROUDFIT.*Fifth Ward*—C. B. NELSON, AUGUST HAAK, JAMES KELLEY.

1885.

*Mayor*—H. N. MOULTON.*Clerk*—JOHN CORSCOT.*Treasurer*—D. S. BRADFORD.*Judge of Municipal Court*—A. B. BRALEY.*Street Superintendent*—ANDREW BISHOP.*Chief of Police*—JOHN L. LEWIS.*City Attorney*—R. M. BASHFORD.*City Surveyor*—JOHN NADER.*City Assessor*—CHAS. GEO. MAYERS.*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—M. J. HOVEN, JAMES CASSERLY, FERDINAND DAUBNER.*Second Ward*—M. J. CANTWELL, MARTIN HINRICHS, ROBERT WOOTTON.*Third Ward*—THEO. H. GROVE, JOHN MALANEY, ANDREW FLOM.*Fourth Ward*—ANTHONY DONOVAN, J. H. STARCK, RICHARD CUMMINGS.*Fifth Ward*—AUGUST HAAK, WM. HAMILTON, C. B. NELSON.*Sixth Ward*—\*D. H. COLLINS, A. J. STEINLE, W. H. KARNES, †FRED SAUTHOFF.

\*D. H. Collins resigned. †Fred Sauthoff elected to fill vacancy.



## 1886.

*Mayor*—E. W. KEYES.

*Clerk*—JOHN CORSCOT.

*Treasurer*—WM. KINGSTON.

*Judge of Municipal Court*—A. B. BRALEY.

*Street Superintendent*—MARTIN HINRICHS.

*Chief of Police*—EDWARD LYONS.

*City Attorney*—ROBERT G. SIEBECKER.

*City Surveyor*—JOHN NADER.

*City Assessor*—CHAS. G. MAYERS.

*Water Works Superintendant*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—THOMAS LUCAS, JOHN R. BALTZELL, M. J. HOVEN.

*Second Ward*—G. J. CORSCOT, M. J. CANTWELL, ROBERT WOOTTON.

*Third Ward*—F. C. SHEASBY, JOHN MALANEY, THEO. H. GROVE.

*Fourth Ward*—HENRY ROHRER, PHINEAS BALDWIN, ANTHONY DONOVAN.

*Fifth Ward*—NICHOLAS QUINN, CHAS. F. HARRINGTON, AUGUST HAAK.

*Sixth Ward*—ADOLPH WAGNER, W. H. KARNES, FRED SAUTHOFF.

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1887.

*Mayor*—JAMES CONKLIN.

*Clerk*—JOHN CORSCOT.

*Treasurer*—A. FERDINAND DETLOFF.

*Judge of Municipal Court*—A. B. BRALEY.

*Street Superintendent*—MARTIN HINRICHS.

*Chief of Police*—JOHN E. ADAMSON.

*City Attorney*—ROBERT G. SIEBECKER.

*City Surveyor*—McCLELLAN DODGE.

*City Assessor*—CHAS. G. MAYERS.

*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—M. J. HOVEN, THOMAS LUCAS.

*Second Ward*—RICHARD CROWLEY, G. J. CORSCOT.

*Third Ward*—GILBERT P. WINDEN, F. C. SHEASBY.

*Fourth Ward*—JOHN DUNN, HENRY ROHRER.

*Fifth Ward*—SAMUEL G. OAKLEY, NICHOLAS QUINN.

*Sixth Ward*—GEORGE SULLIVAN, ADOLPH WAGNER.

## 1888.

*Mayor*—M. R. DOYON.*Clerk*—JOHN CORSCOT.*Treasurer*—RICHARD E. CROWLEY.*Judge of Municipal Court*—A. B. BRALEY.*Street Superintendent*—NICHOLAS QUINN.*Chief of Police*—JOHN E. ADAMSON.*City Attorney*—ROBERT G. SIEBECKER.*City Surveyor*—McCLELLAN DODGE.*City Assessor*—CHAS. G. MAYERS.*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—\*THOMAS LUCAS, M. J. HOVEN, †GEO. BUNKER.*Second Ward*—SOREN OLSEN, J. L. W. NEWTON.*Third Ward*—F. C. SHEASBY, GILBERT P. WINDEN.*Fourth Ward*—E. L. BAKER, JOHN DUNN.*Fifth Ward*—SAMUEL G. OAKEY, J. H. FEENEY.*Sixth Ward*—ADOLPH WAGNER, GEORGE SULLIVAN.

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\*Thos. Lucas resigned. †Geo. Bunker elected July 27, 1888.

## 1889.

*Mayor*—M. R. DOYON.*Clerk*—JOHN CORSCOT.*Treasurer*—ROBERT M. LAMP.*Judge of Municipal Court*—\*A. B. BRALEY, †E. W. KEYES.*Street Superintendent*—NICHOLAS QUINN.*Chief of Police*—JOHN E. ADAMSON.*City Attorney*—ROBERT G. SIEBECKER.*City Surveyor*—McCLELLAN DODGE.*City Assessor*—CHAS. G. MAYERS.*Water Works Superintendent*—JOHN B. HEIM, ‡E. M. NICHOLS.

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\*Judge A. B. Braley died Jan. 31, 1889. †Hon. E. W. Keyes was appointed Judge in Feb., 1889.

‡John B. Heim resigned, and E. M. Nichols elected Feb. 15, 1889.

## ALDERMEN.

*First Ward*—HENRY SCHULKAMP, GEO. BUNKER.*Second Ward*—WALTER C. NOE, SOREN OLSEN.*Third Ward*—GILBERT P. WINDEN, F. C. SHEASBY.*Fourth Ward*—C. C. CHITTENDEN, E. L. BAKER.*Fifth Ward*—JOHN A. BUSER, J. H. FEENEY.*Sixth Ward*—JOHN T. KING, ALOLPH WAGNER.

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1890.*Mayor*—ROBERT M. BASHFORD.*Clerk*—\*JOHN CORSCOT, O. S. NORSMAN.*Treasurer*—EMANUEL R. COX*Judge of Municipal Court*—E. W. KEYES.*Street Superintendent*—NICHOLAS QUINN.*Chief of Police*—JOHN E. ADAMSON.*City Attorney*—J. L. O'CONNOR.*City Surveyor*—McCLELLAN DODGE.*City Assessor*—CHAS. GEO. MAYERS.*Water Works Superintendent*—†E. M. NICHOLS, JOHN B. HEIM.

## ALDERMEN.

*First Ward*—JABE ALFORD, HENRY SCHULKAMP.*Second Ward*—JOSEPH S. KEYES, WALTER C. NOE.*Third Ward*—CHAS. HEYL, GILBERT P. WINDEN.*Fourth Ward*—JAMES J. GLEASON, C. C. CHITTENDEN.*Fifth Ward*—JAMES H. FEENEY, JOHN A. BUSER.*Sixth Ward*—W. R. BAGLEY, ANDREW HIPPENMEYER, JR.

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\*John Corscot resigned April 1, 1890. O. S. Norsman elected. †John B. Heim elected Oct. 8, 1890.

1891.

*Mayor*—WM. H. ROGERS.*Clerk*—O. S. NORSMAN.*Treasurer*—LAWRENCE REYNOLDS.*Judge of Municipal Court*—E. W. KEYES.*Street Superintendent*—JOSEPH C. CHANDLER.*Chief of Police*—JOHN E. ADAMSON.*City Attorney*—BURR W. JONES.*City Surveyor*—McCLELLAN DODGE.*City Assessor*—CHAS. GEO. MAYERS.*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—HENRY SCHULKAMP, JABE ALFORD.*Second Ward*—J. L. W. NEWTON, JOS. S. KEYES.*Third Ward*—CHAS. HEYL, JULIUS KLUETER.*Fourth Ward*—RICHARD F. TAYLOR, JAS. J. GLEASON.*Fifth Ward*—JOHN A. BUSER, JAMES H. FEENEY.*Sixth Ward*—ANDREW HIPPENMEYER, JR., WM. R. BAGLEY.

1892.

*Mayor*—WM. H. ROGERS.*Clerk*—O. S. NORSMAN.*Treasurer*—EGEDIUS GUNDLACH.*Judge of Municipal Court*—E. W. KEYES.*Street Superintendent*—MARTIN HINRICHS.*Chief of Police*—JOHN E. ADAMSON.*City Attorney*—BURR W. JONES.*City Surveyor*—McCLELLAN DODGE.*City Assessor*—CHAS. GEO. MAYERS.*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—THOS. F. CULLINANE, HENRY SCHULKAMP.*Second Ward*—CHAS. HOEBEL, J. L. W. NEWTON.*Third Ward*—CHARLES W. HEYL, JULIUS KLUETER.*Fourth Ward*—JAMES J. GLEASON, RICHARD F. TAYLOR.*Fifth Ward*—JOHN D. HAYES, JOHN A. BUSER.*Sixth Ward*—WM. H. LANSING, ANDREW HIPPENMEYER, JR.



## 1893.

*Mayor*—JOHN CORSCOT.

*Clerk*—O. S. NORSMAN.

*Treasurer*—MATTHEW G. MEYERS.

*Judge of Municipal Court*—ANTHONY DONOVAN.

*Street Superintendent*—MARTIN HINRICHS.

*Chief of Police*—JOHN E. ADAMSON.

*City Attorney*—CHAS. M. MORRIS.

*City Surveyor*—McCLELLAN DODGE.

*City Assessor*—CHAS. GEO. MAYERS.

*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—JAMES LIVESEY, THOS. F. CULLINANE.

*Second Ward*—WALTER C. NOE, CHARLES HOEBEL.

*Third Ward*—JULIUS KLUETER, CHAS. W. HEYL.

*Fourth Ward*—RICHARD F. TAYLOR, JAMES J. GLEASON.

*Fifth Ward*—MICHAEL DIEDERICH, JOHN D. HAYES.

*Sixth Ward*—ANDREW HIPPENMEYER, JR., WM. H. LANSING.

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1894.

*Mayor*—JOHN CORSCOT.

*Clerk*—O. S. NORSMAN.

*Treasurer*—ARTHUR MCGUNE.

*Judge of Municipal Court*—ANTHONY DONOVAN.

*Street Superintendent*—MARTIN HINRICHS.

*Chief of Police*—JOHN E. ADAMSON.

*City Attorney*—CHAS. M. MORRIS.

*City Surveyor*—McCLELLAN DODGE.

*City Assessor*—FRANK M. DORN.

*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—M. J. HOVEN, JAMES LIVESEY.

*Second Ward*—CHARLES HOEBEL, WALTER C. NOE.

*Third Ward*—EDWARD QUAMMEN, JULIUS KLUETER.

*Fourth Ward*—JOHN E. HAYES, RICHARD F. TAYLOR.

*Fifth Ward*—JOHN D. HAYES, MICHAEL DIEDRICH.

*Sixth Ward*—WM. H. LANSING, ANDREW HIPPENMEYER, JR.



1895.

*Mayor*—JABE ALFORD.  
*Clerk*—O. S. NORSMAN.  
*Treasurer*—CHRISTOFFER FOSTER.  
*Judge of Municipal Court*—ANTHONY DONOVAN.  
*Street Superintendent*—MAURICE COUGHLIN.  
*Chief of Police*—CHARLES W. HEYL.  
*City Attorney*—JOHN A. AYLWARD.  
*City Surveyor*—McCLELLAN DODGE.  
*City Assessor*—FRANK M. DORN.  
*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—GEO. C. SAYLE, M. J. HOVEN.  
*Second Ward*—ALBERT A. DYE, CHAS. HOEBEL.  
*Third Ward*—FRED. SIMON, EDWARD QUAMMEN.  
*Fourth Ward*—RICHARD F. TAYLOR, JOHN E. HAYES.  
*Fifth Ward*—JOHN LEWIS, JOHN D. HAYES.  
*Sixth Ward*—C. E. BROWN, WM. H. LANSING.

1896.

*Mayor*—ALBERT A. DYE.  
*Clerk*—O. S. NORSMAN.  
*Treasurer*—JOHN H. CLARK.  
*Judge of Municipal Court*—ANTHONY DONOVAN.  
*Street Superintendent*—MAURICE COUGHLIN.  
*Chief of Police*—E. S. PARKINSON.  
*City Attorney*—JOHN A. AYLWARD.  
*City Surveyor*—McCLELLAN DODGE.  
*City Assessor*—RICHARD F. TAYLOR.  
*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—MATTHEW J. HOVEN, GEO. C. SAYLE.  
*Second Ward*—EDWIN F. GIBBS, CHAS. H. ALLYN.  
*Third Ward*—EDWARD QUAMMEN, FRED SIMON.  
*Fourth Ward*—JOHN E. HAYES, \*RICHARD F. TAYLOR, †JOS. DEAN.  
*Fifth Ward*—J. W. CONKLIN, JOHN LEWIS.  
*Sixth Ward*—EDWARD H. HEATH, C. E. BROWN.

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\*Resigned Sept. 11, 1896. †Jos. Dean elected Nov. 3, 1896.

## 1897.

*Mayor*—MATTHEW J HOVEN.*Clerk*—O. S. NORSMAN.*Treasurer*—\*DENNIS McKEON, †ROBERT M. LAMP.*Judge of Municipal Court*—ANTHONY DONOVAN.*Street Superintendent*—MAURICE COUGHLIN.*Chief of Police*—H. C. BAKER.*City Attorney*—JOHN A. AYLWARD.*City Surveyor*—McCLELLAN DODGE.*City Assessor*—RICHARD F. TAYLOR.*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—CHAS. N. BROWN, HERMAN J. VEERHUSEN.*Second Ward*—ALVIN T. WEBB, EDWIN F. GIBBS.*Third Ward*—FRED. N. SIMON, ED. QUAMMEN.*Fourth Ward*—CHAS. H. TRAINOR, JOHN E. HAYES.*Fifth Ward*—CHAS. S. SLICHTER, J. W. CONKLIN.*Sixth Ward*—ROBERT L. SCHMEDEMAN, E. H. HEATH.*Seventh Ward*—MARTIN PAYTON, JOSEPH SCHUBERT.*Eighth Ward*—GÖEGRE C. SAYLE, FRED. KLEIN.

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1898.*Mayor*—CHARLES E. WHELAN.*Clerk*—O. S. NORSMAN.*Treasurer*—HUGO VOGEL.*Judge of Municipal Court*—ANTHONY DONOVAN.*Street Superintendent*—JOHN HOLLOWAY.*Chief of Police*—H. C. BAKER.*City Attorney*—JOHN A. AYLWARD.*City Surveyor*—McCLELLAN DODGE.*City Assessor*—RICHARD F. TAYLOR.*Water Works Superintendent*—JOHN B. HEIM.

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\*Died May 13, 1897. †Elected May 14, 1897.

## ALDERMEN.

*First Ward*—STORM BULL, CHAS. N. BROWN.  
*Second Ward*—EDWIN F. GIBBS, ALVIN T. WEBB.  
*Third Ward*—EDWARD QUAMMEN, FRED. N. SIMON.  
*Fourth Ward*—JOHN E. HAYES, CHAS. H. TRAINOR.  
*Fifth Ward*—CHAS. W. MEAD, CHAS. S. SLICHTER.  
*Sixth Ward*—WM. H. LANSING, R. L. SCHMEDEMAN.  
*Seventh Ward*—JOSEPH C. SCHUBERT, MARTIN PAYTON.  
*Eighth Ward*—FRED. KLEIN, GEORGE C. SAYLE.

## 1899.

*Mayor*—MATTHEW J. HOVEN.  
*Clerk*—O. S. NORSMAN.  
*Treasurer*—\*FRANK HAVEN, †HUGO VOGEL.  
*Judge of Municipal Court*—ANTHONY DONOVAN.  
*Street Superintendent*—GEORGE SULLIVAN.  
*Chief of Police*—H. C. BAKER.  
*City Attorney*—JOHN A. AYLWARD.  
*City Surveyor*—McCLELLAN DODGE.  
*City Assessor*—RICHARD F. TAYLOR.  
*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—CHAS. N. BROWN, STORM BULL.  
*Second Ward*—ALVIN T. WEBB, EDWIN F. GIBBS.  
*Third Ward*—FRED. N. SIMON, EDWARD QUAMMEN.  
*Fourth Ward*—JOHN DOHM, JOHN E. HAYES.  
*Fifth Ward*—E. R. BUCKLEY, C. W. MEAD.  
*Sixth Ward*—HENRY W. QUENTMEYER, WM. H. LANSING.  
*Seventh Ward*—MARTIN PAYTON, J. C. SCHUBERT.  
*Eighth Ward*—MARTIN H. HIGGINS, FRED. KLEIN.

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\*Died Nov. 3, 1899. †Elected Nov. 6, 1899.

## 1900.

*Mayor*--MATTHEW J. HOVEN.  
*Clerk*--O. S. NORSMAN.  
*Treasurer*--MARTIN FINNERTY.  
*Judge of Municipal Court*--ANTHONY DONOVAN.  
*Street Superintendent*--GEORGE SULLIVAN.  
*Chief of Police*--H. C. BAKER.  
*City Attorney*--JOHN A. AYLWARD.  
*City Surveyor*--F. E. TURNEAURE.  
*City Assessor*--RICHARD F. TAYLOR.  
*Water Works Superintendent*--JOHN B. HEIM.

## ALDERMEN.

*First Ward*--SAMUEL E. SPARLING, CHAS. N. BROWN.  
*Second Ward*--EDWIN F. GIBBS, ALVIN T. WEBB.  
*Third Ward*--EDWARD QUAMMEN, FRED. N. SIMON.  
*Fourth Ward*--JOHN E. HAYES, JOHN DOHM.  
*Fifth Ward*--JOHN SHARP, E. R. BUCKLEY.  
*Sixth Ward*--JOHN P. BREITENBACH, HENRY W. QUENTMEYER.  
*Seventh Ward*--SAMUEL A. NIELSON, MARTIN PAYTON.  
*Eighth Ward*--FRED. KLEIN, MARTIN H. HIGGINS.

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1901.

*Mayor*--STORM BULL.  
*Clerk*--O. S. NORSMAN.  
*Treasurer*--CHAS. PRESSENTIN, SR.  
*Judge of Municipal Court*--ANTHONY DONOVAN.  
*Street Superintendent*--GEORGE SULLIVAN.  
*Chief of Police*--HENRY C. BAKER.  
*City Attorney*--JOHN A. AYLWARD.  
*City Surveyor*--F. E. TURNEAURE.  
*City Assessor*--RICHARD F. TAYLOR.  
*Water Works Superintendent*--JOHN B. HEIM.



## ALDERMEN.

*First Ward*—CHAS. N. BROWN, SAMUEL E. SPARLING.

*Second Ward*—C. F. FORD, EDWIN F. GIBBS.

*Third Ward*—FRED. N. SIMON, EDWARD QUAMMEN.

*Fourth Ward*—THOS. C. PURCELL, JOHN E. HAYES.

*Fifth Ward*—STANLEY C. HANKS, JOHN SHARP.

*Sixth Ward*—HENRY W. QUENTMEYER, JOHN P. BREITENBACH.

*Seventh Ward*—JOSEPH C. SCHUBERT, SAMUEL A. NIELSON.

*Eighth Ward*—MARTIN H. HIGGINS, FRED. KLEIN.

## 1902.

*Mayor*—JOHN W. GROVES.

*Clerk*—O. S. NORSMAN.

*Treasurer*—ALVIN T. WEBB.

*Judge of Municipal Court*—ANTHONY DONOVAN.

*Street Superintendent*—GEORGE SULLIVAN.

*Chief of Police*—HENRY C. BAKER.

*City Attorney*—RUFUS B. SMITH.

*City Surveyor*—JOHN F. ICKE.

*City Assessor*—RICHARD F. TAYLOR.

*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—SAMUEL E. SPARLING, CHAS. N. BROWN.

*Second Ward*—EDWIN F. GIBBS, C. F. FORD.

*Third Ward*—FRANK SMITH, FRED. N. SIMON.

*Fourth Ward*—ALFRED G. KRONCKE, THOS. C. PURCELL.

*Fifth Ward*—WM. MAUTZ, STANLEY C. HANKS.

*Sixth Ward*—BERNARD VOSS, HENRY W. QUENTMEYER.

*Seventh Ward*—HARRY L. BUTLER, JOS. C. SCHUBERT.

*Eighth Ward*—FRED. KLEIN, MARTIN H. HIGGINS.

## 1903.

*Mayor*—JOHN W. GROVES.

*Clerk*—O. S. NORSMAN.

*Treasurer*—ALVIN T. WEBB.

*Judge of Municipal Court*—ANTHONY DONOVAN.

*Street Superintendent*—GEORGE SULLIVAN.

*Chief of Police*—HENRY C. BAKER.

*City Attorney*—RUFUS B. SMITH.

*City Surveyor*—JOHN F. ICKE.

*City Assessor*—RICHARD F. TAYLOR.

*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—CHAS. N. BROWN, SAMUEL E. SPARLING.

*Second Ward*—F. F. BOWMAN, EDWIN F. GIBBS.

*Third Ward*—JOHN C. PRIEN, FRED. N. SIMON.

*Fourth Ward*—ALBERT G. SCHMEDEMAN, WALTER J. HYLAND.

*Fifth Ward*—F. E. TURNEAURE, WM. MAUTZ.

*Sixth Ward*—WM. H. LANSING, BERNARD VOSS.

*Seventh Ward*—GERRIT J. CORSCOT, HARRY L. BUTLER.

*Eighth Ward*—GEO. C. SAYLE, JOHN J. BLIED.

*Ninth Ward*—JAMES ARNOLD, ALBERT G. KRONCKE.

*Tenth Ward*—CHAS. E. BUELL, LESLIE B. ROWLEY.

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1904.

*Mayor*—W. D. CURTIS.

*Clerk*—O. S. NORSMAN.

*Treasurer*—MICHAEL O'NEIL.

*Judge of Municipal Court*—ANTHONY DONOVAN.

*Street Superintendent*—GEORGE SULLIVAN.

*Chief of Police*—HENRY C. BAKER.

*City Attorney*—A. C. HOPPMANN.

*City Surveyor*—JOHN F. ICKE.

*City Assessor*—RICHARD F. TAYLOR.

*Water Works Superintendent*—JOHN B. HEIM.

## ALDERMEN.

*First Ward*—CHAS. N. BROWN, W. R. MACKENZIE.

*Second Ward*—CHAS. O'NEILL, W. J. MELTZER.

*Third Ward*—JOHN C. PRIEN, FRANK SMITH.

*Fourth Ward*—ALBERT G. SCHMEDEMAN, W. J. HYLAND.

*Fifth Ward*—F. E. TURNEAURE, WM. F. MAUTZ.

*Sixth Ward*—WM. H. LANSING, GOTTLIEB MAISCH.

*Seventh Ward*—GERRIT J. CORSCOT, JOS. C. SCHUBERT.

*Eighth Ward*—GEO. C. SAYLE, JOHN H. FINDORFF.

*Ninth Ward*—JAMES ARNOLD, A. G. KRONCKE.

*Tenth Ward*—LESLIE B. ROWLEY, CHAS. E. BUELL.

## WATER DEPARTMENT.

List of Members of the Board of Water Commissioners, since organization of the board, April 16, 1884:

*James Conklin .....	1884-5-6-7-8-9
*H. Christoffers .....	1884-5-6-7-8-9-90-1-2-3-4
R. M. Bashford <sup>2</sup> .....	1884-5-6
John Lamont <sup>3</sup> .....	1886-7-8-9-90-1-2-3
A. Donovan .....	1889-90-1-2
John R. Melvin <sup>5</sup> .....	1892-3-4-5-6-7-8-9-90-1-2
W. W. Warner .....	1893-4-5-6
J. J. Silbernagel .....	1894-5-6-7-8-9-90-1-2-3
J. Van Etta .....	1896-7-8-9-90-1-2
E. B. Steensland.....	1902-3
A. F. Menges <sup>6</sup> .....	1903

### EX-OFFICIO.

*H. N. Moulton, <sup>4</sup> Mayor.....	1885-86
A. Donovan, Alderman .....	1885-86
E. W. Keyes, Mayor.....	1886-87
*M. J. Cantwell, Alderman.....	1886-87
*James Conklin, Mayor .....	1887-88
G. J. Corscot, Alderman.....	1887-88
M. R. Doyon, Mayor.....	1888-89
S. G. Oakey, Alderman.....	1888-89
M. R. Doyon, Mayor.....	1889-90
E. L. Baker, <sup>5</sup> Alderman.....	1889-90
F. C. Sheasby, <sup>6</sup> Alderman.....	1889-90
R. M. Bashford, Mayor.....	1890-91
H. Schulkamp, Alderman .....	1890-91

<sup>1</sup>First commissioners elected April 15, 1884.

<sup>2</sup>Resigned March 1, 1886.

<sup>3</sup>Elected to fill vacancy.

<sup>4</sup>Mayor and alderman ex-officio added to board April, 1885.

<sup>5</sup>Resigned.

<sup>6</sup>Elected to fill vacancy.

\*Deceased.



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W. H. Rogers, Mayor.....	1891-92-93
H. Schulkamp, Alderman .....	1891-92-93
John Corscot, Mayor .....	1893-94
R. F. Taylor, Alderman.....	1893-94
John Corscot, Mayor, .....	1894-95
W. C. Noe, Alderman.....	1894-95
Jabe Alford, Mayor .....	1895-96
W. H. Lansing, Alderman .....	1895-96
A. A. Dye, Mayor.....	1896-97
Ed. Quammen, Alderman .....	1896-97
*M. J. Hoven, Mayor.....	1897-98
Ed. Quammen, Alderman .....	1897-98
Chas. E. Whelan, Mayor.....	1898-99
Ed. Quammen, Alderman .....	1898-99
*M. J. Hoven, Mayor.....	1899-1900
Ed. Quammen, Alderman .....	1899-1900
*M. J. Hoven, Mayor.....	1900-01
Ed. Quammen, Alderman .....	1900-01
Storm Bull, Mayor .....	1901-2
Ed. Quammen, Alderman .....	1901-2
John W. Groves, Mayor.....	1902-3
C. F. Ford, Alderman .....	1902-3
John W. Groves, Mayor.....	1903-4
G. J. Corscot, Alderman.....	1903-4

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## PRESENT OFFICERS AND EMPLOYES OF THE DEPARTMENT.

*Commissioners.*

J. J. SILBERNAGEL, President.....	Term expires October 1, 1906
E. B. STEENSLAND.....	Term expires October 1, 1905
A. F. MENGES.....	Term expires October 1, 1904
W. D. CURTIS.....	Mayor, <i>ex-officio</i> .
G. J. CORSCOT.....	Alderman, <i>ex-officio</i> .

O. S. NORSMAN, SECRETARY.

*Superintendent*—JOHN B. HEIM.*Meter Inspectors*—NICHOLAS REIF, FRANK T. HAYES.*Engineers*—PETER GAUER, DENNIS DACEY, AUSTIN GANNON.*Firemen*—JOHN LYONS, FRED RODEFIELD.

## **BOARD OF POLICE AND FIRE COMMISSIONERS.**

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The first appointments on this board were made May 4, 1897, and were as follows:

JABE ALFORD .....for 4 years.  
WM. HELM .....for 3 years.  
A. L. SANBORN .....for 2 years.  
JAMES E. CONKLIN .....for 1 year.

On the organization of the board, ex-Mayor Jabe Alford was chosen president, and Col. Wm. Helm, secretary. Mr. James E. Conklin served as commissioner until May 1, 1902. Mr. A. L. Sanborn served until January 8, 1900, when he resigned, and John L. Erdall was appointed to fill the vacancy. Mr. Erdall served until October 16, 1901, when he resigned, and Chas. F. Lamb was appointed in his place. Dr. Clarke Gapen was appointed April 15, 1902, and served until April 15, 1903. On the 21st day of April, 1903, Mr. N. A. Ladd was appointed to fill the vacancy caused by the resignation of Dr. Clarke Gapen, and Mr. W. E. Petrie was at the same time appointed for the full term of four years.

The present board is constituted as follows:

JABE ALFORD ..... President.  
WM. HELM ..... Secretary.  
N. A. LADD.  
W. E. PETRIE.

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**MEMBERS OF BOARD OF EDUCATION.**

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1857.

W. B. Jarvis, President; D. S. Durrie, Clerk; D. H. Wright, L. J. Farwell, L. W. Hoyt, Simeon Mills and Darwin Clark. Superintendent: D. Y. Kilgore.

1858.

D. H. Wright, President; H. G. Bliss, Clerk; L. J. Farwell, W. B. Jarvis, L. W. Hoyt. Superintendent: D. Y. Kilgore.

1859.

David Atwood, President; H. B. Bliss, Clerk; John H. Slavan, J. T. Clark, D. H. Wright. Superintendent: D. Y. Kilgore.

1860.

David Atwood, President; H. G. Bliss, Clerk; J. T. Clark, D. J. Powers, J. H. Slavan, J. W. Sterling. Superintendent: David Atwood.

1861.

Julius T. Clark, President; H. B. Bliss, Clerk; D. J. Powers, J. W. Sterling, J. P. Fuchs, J. H. Slavan, David Atwood. Superintendent: David Atwood.

1862.

Prof. J. W. Sterling, President; Horace G. Bliss, Clerk (resigned Oct. 20, 1862); W. A. Hayes, Clerk (to fill vacancy); John H. Slavan, Treasurer; J. H. Carpenter, J. P. Fuchs, W. L. Leitch, Mayor, and K. Tierney, Alderman, both ex-officio. Superintendents of Schools: Jas. W. Ward and Chas. H. Allen.

## 1863.

W. T. Leitch, President; W. A. Hayes, Clerk; John H. Slavan, Treasurer; H. G. Bliss, J. P. Fuchs, J. H. Carpenter, Geo. Hyer, John A. Byrne. Superintendents: Chas. H. Allen and F. B. Williams.

## 1864.

W. T. Leitch, President; Wm. A. Hayes, Clerk; John A. Byrne, Clerk; John H. Slavan, Treasurer; Elisha Burdick, J. H. Carpenter, A. Pickarts, John A. Byrne, Wm. Welch. Superintendent: F. B. Williams.

## 1865.

W. T. Leitch, President; S. H. Carpenter, Clerk; E. Burdick, Treasurer; Wm. Welch, John A. Byrne, A. Pickarts, D. Read, E. W. Keyes, H. M. Lewis. Superintendent: Wm. M. Colby.

## 1866.

E. W. Keyes, President; S. H. Carpenter, Clerk; Elisha Burdick, Treasurer; A. Pickarts, D. Read, J. H. Carpenter, F. J. Lamb, H. M. Lewis. Superintendents: J. T. Lovewell and B. M. Reynolds.

## 1867.

J. H. Carpenter, President; S. H. Carpenter, Clerk; Elisha Burdick, Treasurer; D. Read, F. J. Lamb, D. K. Tenney, E. W. Keyes, Mayor, K. Tierney, Alderman. Superintendent: B. M. Reynolds.

## 1868.

J. H. Carpenter, President; S. H. Carpenter, Clerk; Elisha Burdick, Treasurer; F. J. Lamb, D. K. Tenney, W. T. Leitch, A. S. Sanborn, Mayor, and H. N. Moulton, Alderman. Superintendent: B. M. Reynolds.

## 1869.

J. H. Carpenter, President; S. H. Carpenter, Clerk; Elisha Burdick, Treasurer; D. K. Tenney, W. T. Leitch, Henry Winckler, David Atwood, Mayor, and H. N. Moulton, Alderman. Superintendent: B. M. Reynolds.



## 1870.

J. H. Carpenter, President; S. H. Carpenter, Clerk; Elisha Burdick, Treasurer; J. C. Gregory, Henry Winckler, W. T. Leitch, Andrew Proudfit, Mayor, and L. D. Stone, Alderman. Superintendent: B. M. Reynolds.

## 1871.

J. H. Carpenter, President; S. H. Carpenter, Clerk; Elisha Burdick, Treasurer; Darwin Clark, W. T. Leitch, Jas. Conklin, Andrew Proudfit, Mayor, and John M. Bowman, Alderman. Superintendent: B. M. Reynolds.

## 1872.

J. H. Carpenter, President; S. H. Carpenter, Clerk; Elisha Burdick, Treasurer; W. T. Leitch, James Conklin, J. C. Ford, J. B. Bowen, Mayor, and Wm. H. Karn, Alderman. Superintendents: B. M. Reynolds and Walter H. Chase.

## 1873.

J. H. Carpenter, President; W. T. Leitch, Clerk; Elisha Burdick, Treasurer; J. C. Ford, Alex. Kerr, Jas. Conklin, Jas. L. Hill, Mayor, and Robert Wootton, Alderman. Superintendents: Walter H. Chase and Samuel Shaw.

## 1874.

J. H. Carpenter, President; W. T. Leitch, Clerk; Elisha Burdick, Treasurer; J. C. Ford, Alex. Kerr, John Baker, J. C. Gregory, Mayor, and C. B. Chapman, Alderman. Superintendent: Samuel Shaw.

## 1875.

J. H. Carpenter, President; W. T. Leitch, Clerk; Elisha Burdick, Treasurer; C. B. Chapman, Alex. Kerr, J. C. Ford, S. U. Pinney, Mayor, and P. L. Spooner, Alderman. Superintendent: Samuel Shaw.

## 1876.

J. H. Carpenter, President; W. T. Leitch, Clerk; Elisha Burdick, Treasurer; J. C. Ford, Alex. Kerr, F. J. Lamb, A. S. Sanborn, Mayor, and W. J. Nicodemus, Alderman. Superintendent: Samuel Shaw.

## 1877.

J. H. Carpenter, President; W. T. Leitch, Clerk; Elisha Burdick, Treasurer; J. C. Ford, Alex. Kerr, John Corscot, Mayor, H. S. Orton, and Alderman W. J. L. Nicodemus. Superintendent: Samuel Shaw.

## 1878.

J. H. Carpenter, President; W. T. Leitch, Clerk; Elisha Burdick, Treasurer; Alexander Kerr, John Corscot, Chas. Hinrichs, Harlow S. Orton, Mayor, and W. J. L. Nicodemus, Alderman. Superintendent: Samuel Shaw.

## 1879.

J. H. Carpenter, President; W. T. Leitch, Clerk; Elisha Burdick, Treasurer; John Corscot, Chas. Hinrichs, Alexander Kerr, John R. Baltzell, Mayor, and John Lamont, Alderman. Superintendent: Samuel Shaw.

## 1880.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; Chas. Hinrichs, Alex. Kerr, J. B. Parkinson, Philip L. Spooner, Jr., Mayor, and William Hobbins, Alderman. Superintendent: Samuel Shaw.

## 1881.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; J. B. Parkinson, Alex. Kerr, H. M. Lewis, James Conklin, Mayor, and Wm. Hobbins, Alderman. Superintendent: Samuel Shaw.

## 1882.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; H. M. Lewis, Alex. Kerr, J. B. Parkinson, James Conklin, Mayor, and Dexter Curtis, Alderman. Superintendent: Samuel Shaw.

## 1883.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; H. M. Lewis, Alex. Kerr, J. B. Parkinson, James Conklin, Mayor, and Dexter Curtis, Alderman. Superintendent: Samuel Shaw.

## 1884.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; Alexander Kerr, J. B. Parkinson, H. M. Lewis, B. J. Stevens, Mayor, and W. H. Rogers, Alderman. Superintendent: Samuel Shaw.

## 1885.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; H. M. Lewis, J. B. Parkinson, Richard Porsch, H. N. Moulton, Mayor, and C. N. Gregory, Alderman. Superintendent: W. H. Beach.

## 1886.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; H. M. Lewis, J. B. Parkinson, Richard Porsch, E. W. Keyes, Mayor, and Robert Wootton, Alderman, Anthony Donovan, Alderman. Superintendent: W. H. Beach.

## 1887.

J. H. Carpenter, President; John Corscot, Clerk; Elisha Burdick, Treasurer; J. B. Parkinson, H. M. Lewis, Richard Porsch, E. W. Keyes, Mayor, Anthony Donovan, Alderman. Superintendent: W. H. Beach.

## 1888.

J. H. Carpenter, President; John Corscot, Clerk; H. M. Lewis, Treasurer; J. B. Parkinson, M. R. Doyon, Wm. Helm, James Conklin, Mayor, and F. C. Sheasby, Alderman. Superintendent, W. H. Beach.

## 1889.

J. H. Carpenter, President; John Corscot, Clerk; H. M. Lewis, Treasurer; R. M. Bashford, Wm. Helm, J. B. Parkinson, M. R. Doyon, Mayor, F. C. Sheasby, Alderman. Superintendent, W. H. Beach.

## 1890.

J. B. Parkinson, President; John Corscot, Clerk; H. M. Lewis, Treasurer; H. M. Lewis, Wm. Helm, M. R. Doyon, R. M. Bashford, Mayor, Jas. H. Feeney, Alderman. Superintendent: W. H. Beach.

## 1891.

J. B. Parkinson, President; John Corscot, Clerk; H. M. Lewis, Treasurer; John J. Suhr, W. H. Rosenstengel, M. R. Doyon, Wm. H. Rogers, Mayor, and Chas. W. Heyl, Alderman. Superintendent: W. H. Beach.

## 1892.

H. M. Lewis, President; O. S. Norsman, Clerk; M. R. Doyon, Treasurer; John Corscot, John J. Suhr, W. H. Rosenstengel, W. H. Rogers, Mayor, and Julius Klueter, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1893.

H. M. Lewis, President; O. S. Norsman, Clerk; M. R. Doyon, Treasurer; James Conklin, J. W. Stearns, John J. Suhr, John Corscot, Mayor, and Julius Klueter, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1894.

H. M. Lewis, President; O. S. Norsman, Clerk; M. R. Doyon, Treasurer; J. W. Stearns, Julius G. O. Zehnter, James Conklin, John Corscot, Mayor, and Julius Klueter, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1895.

H. M. Lewis, President; O. S. Norsman, Clerk; M. R. Doyon, Treasurer; Julius G. O. Zehnter, James Conklin, J. W. Stearns, Jabe Alford, Mayor, and A. A. Dye, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1896.

J. W. Stearns, President; O. S. Norsman, Clerk; M. R. Doyon, Treasurer; James Conklin, Julius G. O. Zehnter, W. R. Bagley, A. A. Dye, Mayor, and Geo. C. Sayle, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1897.

J. W. Stearns, President; O. S. Norsman, Clerk; M. R. Doyon, Treasurer; Julius G. O. Zehnter, W. R. Bagley, James Conklin, M. J. Hoven, Mayor, and R. L. Schmedeman, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.



## 1898.

John Corscot, President; O. S. Norsman, Clerk; M. R. Doyon, Treasurer; Julius G. O. Zehnter, W. R. Bagley, James Conklin, Chas. E. Whelan, Mayor, and R. L. Schmedeman, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1899.

John Corscot, President; O. S. Norsman, Clerk; E. A. Birge, Treasurer; M. R. Doyon, Anthony Donovan, Julius G. O. Zehnter, M. J. Hoven, Mayor, and Storm Bull, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1900.

John Corscot, President; O. S. Norsman, Clerk; E. A. Birge, Treasurer; Julius G. O. Zehnter, M. R. Doyon, Anthony Donovan, M. J. Hoven, Mayor, and Martin Payton, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1901.

John Corscot, President; O. S. Norsman, Clerk; E. A. Birge, Treasurer; Julius G. O. Zehnter, Wm. Helm, Anthony Donovan, Storm Bull, Mayor, and John P. Breitenbach, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1902.

John Corscot, President; O. S. Norsman, Clerk; Wm. Helm, Treasurer; Anthony Donovan, Julius G. O. Zehnter, F. J. Turner, John W. Groves, Mayor, and Chas. N. Brown, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1903.

John Corscot, President; O. S. Norsman, Clerk; Wm. Helm, Treasurer; Anthony Donovan, F. J. Turner, J. G. O. Zehnter (resigned May 8, 1903), George Kroncke (elected May 22, 1903), John W. Groves, Mayor, and Chas. N. Brown, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## 1904.

John Corscot, President (resigned Feb. 26, 1904); Anthony Donovan, President (elected Mar. 1, 1904); O. S. Norsman, Clerk; Wm. Helm, Treasurer; Fred. J. Turner (resigned Feb. 6, 1904), Frank Alford (elected Feb. 26, 1904), J. T. W. Jennings (elected Feb. 26, 1904), George Kroncke, W. D. Curtis, Mayor, and Jos. C. Schubert, Alderman. Superintendent: R. B. Dudgeon. Principal High School: J. H. Hutchison.

## BOARDS OF HEALTH.

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1884-5.

C. B. Nelson, M. J. Cantwell, F. Daubner.  
Health Officer—F. H. Bodenius.

1885-6.

Theo. H. Grove, Robert Wootton, John Malaney.  
Health Officer—F. H. Bodenius.

1886-7.

Theo. H. Grove, Adolph Wagner, Robert Wootton.  
Health Officer—F. H. Bodenius.

1887-8.

Adolph Wagner, F. C. Sheasby, M. J. Hoven.  
Health Officer—F. H. Bodenius.  
Inspector—W. H. Hughes.

1888-9.

Adolph Wagner, Gilbert P. Winden, John Dunn.  
Health Officer—F. H. Bodenius.  
Inspector—M. Hinrichs.

1889-1890.

Adolph Wagner, Chas. C. Chittenden, Walter C. Noe.  
Health Officer—F. H. Bodenius.  
Inspector—Hugo Mueller.

1890-1891.

Chas. C. Chittenden, Walter C. Noe, Gilbert P. Winden.  
Health Officer—F. H. Bodenius.  
Inspector—Hugo Mueller.

## 1891-1892.

Wm. R. Bagley, Jabe Alford, Jas. J. Gleason.

Health Officer—F. H. Bodenius.

Inspector—Wm. Trainor.

## 1892-1893.

J. L. W. Newton, President; Jas. J. Gleason, Secretary; Chas. W. Heyl.

Health Officer—W. W. Gill.

Inspector—Wm. Trainor.

## 1893-1894.

Walter C. Noe, President; J. J. Gleason, Secretary; J. D. Hayes.

Health Officer—W. W. Gill.

Inspector—Wm. Trainor.

## 1894-1895.

Walter C. Noe, President; M. J. Hoven, Secretary; J. D. Hayes.

Health Officer—Philip Fox.

Inspector—Wm. Trainor.

## 1895-1896.

M. J. Hoven, President; C. E. Brown, Secretary; J. D. Hayes.

Health Officer—Philip Fox.

Inspector—Wm. Trainor.

## 1896-1897.

M. J. Hoven, President; J. E. Hayes, Secretary; Fred. N. Simon.

Health Officer—Philip Fox.

Inspector—Wm. Trainor.

## 1897-1898.

Fred N. Simon, President; J. W. Conklin, Secretary; J. E. Hayes.

Health Officer—Philip Fox.

Inspector—Wm. Trainor.

## 1898-1899.

W. H. Lansing, President; Jos. C. Schubert, Secretary; Fred. N. Simon.

Health Officer—Philip Fox.

Inspector—Wm. Trainor.

## 1900-1901.

Fred N. Simon, President; Fred Klein, Secretary; S. A. Nielson.  
Health Officer—Philip Fox.  
Inspector—Wm. Trainor.

## 1901-1902.

J. E. Hayes, President; S. A. Nielson, Secretary; Fred Klein.  
Health Officer—Philip Fox.  
Inspector—Wm. Trainor.

## 1902-1903.

S. E. Sparling, President; Frank Smith, Secretary; Fred Simon.  
Health Officer—Harry Purcell.  
Inspector—Wm. Trainor.

## 1903-1904.

F. F. Bowman, President; S. E. Sparling, Secretary; W. H. Lansing.  
Health Officer—J. C. Sommers.  
Inspector—Wm. Trainor.

## 1904-1905.

W. H. Lansing, President; Chas. O'Neill, Secretary; W. R. Mackenzie.  
Health Officer—J. C. Sommers.  
Inspector—Wm. Trainor.



## MADISON FREE LIBRARY.

### DIRECTORS, LIBRARIANS AND ASSISTANTS.

#### 1875.

J. C. Ford, President; Wm. F. Allen, Secretary; H. M. Lewis, A. B. Braley, G. P. Delaplaine, J. R. Baltzell, J. J. Suhr, Andrew Sexton, Frank H. Firmin. Librarian: Virginia C. Robbins.

#### 1876.

H. M. Lewis, President; G. P. Delaplaine, Vice President; Wm. F. Allen, Secretary; A. B. Braley, J. C. Ford, J. R. Baltzell, Andrew Sexton, J. J. Suhr, F. H. Firmin. Librarian: Virginia C. Robbins.

#### 1877.

H. M. Lewis, President; A. B. Braley, Vice President; Wm. F. Allen, Secretary; J. J. Suhr, J. R. Baltzell, J. C. Ford, F. H. Firmin, Andrew Sexton. Librarian: Jenny Field.

#### 1878.

H. M. Lewis, President; A. B. Braley, Vice President; Wm. F. Allen, Secretary; J. R. Baltzell, Geo. P. Delaplaine, J. J. Suhr, F. H. Firmin, J. C. Ford, Andrew Sexton. Librarian: Mrs. Laura H. Feuling.

#### 1879.

H. M. Lewis, President; A. B. Braley, Vice President; Wm. F. Allen, Secretary; J. R. Baltzell, Geo. P. Delaplaine, Andrew Sexton, J. C. Ford, J. J. Suhr, F. H. Firmin. Librarian: Ella A. Giles; Assistant: Minnie M. Oakley.

#### 1880—1881—1882.

H. M. Lewis, President; A. B. Braley, Vice-President; Wm. F. Allen, Secretary; J. R. Baltzell, Andrew Sexton, J. J. Suhr, C. N. Gregory, F. H. Firmin. Librarian: Ella A. Giles. Assistant: Minnie M. Oakley.

## 1883.

H. M. Lewis, President; A. B. Braley, Vice-President; J. J. Suhr, Secretary; J. R. Baltzell, W. F. Allen, G. P. Delaplaine, F. H. Firmin, C. N. Gregory, Andrew Sexton. Librarian: Ella A. Giles; Assistant: Minnie M. Oakley.

## 1884.

H. M. Lewis, President; A. B. Braley, Vice-President; J. J. Suhr, Secretary; J. R. Baltzell, C. N. Gregory, Wm. F. Allen, Andrew Sexton, F. H. Firmin, G. P. Delaplaine. Librarian: Minnie M. Oakley; Assistant: Daisy Greenbank.

## 1885—1886—1887.

H. M. Lewis, President; A. B. Braley, Vice-President; J. J. Suhr, Secretary; Wm. F. Allen, J. R. Baltzell, C. N. Gregory, G. P. Delaplaine, Philip Fox, F. K. Conover. Librarian: Minnie M. Oakley; Assistant: Daisy Greenbank.

## 1888.

H. M. Lewis, President (resigned July, 1888), John R. Baltzell, elected; A. B. Braley, Vice-President; J. J. Suhr, Secretary; W. F. Allen, J. R. Baltzell, C. N. Gregory, G. P. Delaplaine, Philip Fox, F. K. Conover. Librarians: Minnie M. Oakley, Sophie M. Lewis; Assistant: Georgia R. Hough.

## 1889.

John R. Baltzell, President; G. P. Delaplaine, Vice-President; J. J. Suhr, Secretary; H. M. Lewis, C. N. Gregory, Wm. F. Allen, Philip Fox, F. K. Conover, S. U. Pinney. Librarian: Sophie M. Lewis; Assistant: Georgia R. Hough.

## 1890—1891—1892.

J. R. Baltzell, President; G. P. Delaplaine, Vice-President; Sophie M. Lewis, Secretary; H. M. Lewis, E. A. Birge, J. J. Suhr, F. K. Conover, Philip Fox, C. N. Gregory. Librarian: Sophie M. Lewis; Assistant: Georgia R. Hough.

## 1893.

E. A. Birge, President; G. P. Delaplaine, Vice-President; F. W. Hall, Secretary; H. M. Lewis, J. J. Suhr, F. K. Conover, Philip Fox, C. N. Gregory. Librarian: Sophie M. Lewis (resigned May 20, 1893); Assistant: Georgia R. Hough; Librarian: Georgia R. Hough (elected May 24, 1893); Assistant: Zilpha M. Vernon.

## 1894.

E. A. Birge, President; G. P. Delaplaine, Vice-President; Frank W. Hall, Secretary; C. N. Gregory, F. K. Conover, W. A. P. Morris, H. M. Lewis, Philip Fox, J. J. Suhr. Librarian: Georgia R. Hough; Assistant: Zilpha M. Vernon.

## 1895.

E. A. Birge, President; J. J. Suhr, Vice-President; F. W. Hall, Secretary; H. M. Lewis, C. N. Gregory, F. K. Conover, Philip Fox, W. A. P. Morris. Librarian: Georgia R. Hough; Assistant: Zilpha M. Vernon.

## 1896-1897.

E. A. Birge, President; J. J. Suhr, Vice-President; F. W. Hall, Secretary; H. M. Lewis, W. A. P. Morris, John Corscot, Philip Fox, C. N. Gregory, F. K. Conover. Librarian: Georgia R. Hough; Assistant: Zilpha M. Vernon.

## 1898.

E. A. Birge, President; J. J. Suhr, Vice-President; F. W. Hall, Secretary; H. M. Lewis, W. A. P. Morris, John Corscot, Philip Fox, C. N. Gregory, F. K. Conover. Superintendent: R. B. Dudgeon, ex-officio; Librarian: Georgia R. Hough; Assistant: Zilpha M. Vernon.

## 1899-1900.

E. A. Birge, President; J. J. Suhr, Vice-President; F. W. Hall, Secretary; H. M. Lewis, W. A. P. Morris, John Corscot, Philip Fox, F. K. Conover, Chas. F. Lamb. Superintendent: R. B. Dudgeon, ex-officio; Librarian: Georgia R. Hough; Assistant: Emma Gattiker.

## 1901.

E. A. Birge, President; H. M. Lewis, Vice-President; F. W. Hall, Secretary; W. A. P. Morris, John Corscot, F. A. Hutchins, F. K. Conover, E. O. Kney, F. H. Edsall. Superintendent: R. B. Dudgeon, ex-officio. Librarian: Georgia R. Hough; Assistant: Virginia C. Baltzell.

## 1902.

E. A. Birge, President; H. M. Lewis, Vice-President; F. W. Hall, Secretary; F. K. Conover, John Corscot, W. A. P. Morris, F. H. Edsell, E. O. Kney, F. A. Hutchins. Superintendent: R. B. Dudgeon ex-officio. Librarian: Bertha Brown; Librarian Circulating Department: Georgia R. Hough; Assistant: Virginia C. Baltzell.

## 1903.

E. A. Birge, President; H. M. Lewis, Vice-President; F. W. Hall, Secretary; E. O. Kney, Treasurer; F. K. Conover, F. H. Edsall, F. A. Hutchins, P. B. Knox, F. L. Gilbert; Superintendent: R. B. Dudgeon, ex-officio. Librarian: Julia A. Hopkins; Librarian Circulating Department: Georgia R. Hough; Librarian Children's Department: Hannah C. Ellis; Assistants: J. E. Goodwin, Virginia C. Baltzell, Grace Sumner.

## 1904.

E. A. Birge, President; H. M. Lewis, Vice-President; F. W. Hall, Secretary; F. K. Conover, E. O. Kney, F. H. Edsall, F. A. Hutchins, F. L. Gilbert, J. M. Naughtin. Superintendent: R. B. Dudgeon, ex-officio; Librarian: Julia A. Hopkins; Librarian Circulating Department: Georgia R. Hough; Librarian Children's Department: Hannah C. Ellis; Assistants: J. E. Goodwin, Virginia C. Baltzell, Grace Sumner.



# CHARTER.

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## CHAPTER 36, LAWS OF 1882, AS AMENDED.

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AN ACT TO CONSOLIDATE AND AMEND CHAPTER 322, LAWS OF 1880, AN ACT TO CONSOLIDATE AND AMEND AN ACT TO INCORPORATE THE CITY OF MADISON, AND THE SEVERAL ACTS AMENDATORY THEREOF.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as followss*

### CHAPTER I.

#### CITY OF MADISON—ITS CORPORATE POWERS.

SECTION 1. All that district of country in the county of Dane, hereinafter described, from and after the seventh day of March, in the year of our Lord one thousand eight hundred and fifty-six, shall be a city by the name of Madison, and the people now inhabiting and those who shall inhabit said district shall be a municipal corporation by the name of the city of Madison, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

## CITY BOUNDARIES.

SECTION 2. All of section six (6) except the east half of the southeast quarter; all of section seven (7) except the east half of the northeast fractional quarter, in township number seven (7) north, of range number ten (10) east; lots three (3) and four (4) in the southeast quarter of section twelve (12); also the southeast quarter of the southeast quarter of section twelve (12); all of sections thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24); all of the south fractional half of section fifteen (15); the east fractional half of section twenty-two (22); the east fractional half of the southwest quarter of section twenty-two (22), and that part of the northwest quarter of section twenty-two (22), that lies north of the Milwaukee and Prairie du Chien railroad; so much of the north part of the west half of the northwest quarter of section twenty-six (26) as is covered by the recorded plat of "Greenbush addition to the village of Madison," and the northeast fractional quarter of section twenty-seven (27), in township number seven (7) north, of range number nine (9) east, of the fourth principal meridian, in the state of Wisconsin, together with the entire surface of Lakes Mendota and Monona to the shores at high water mark around the same, shall be included in and constitute the limits of the city of Madison.

This section is amended and affected by chapter 244, Laws of 1883 (see p. 145; chapters 362, Laws of 1885 (see p. 146), 234, Laws of 1893 (see p. 146), 309, Laws of 1893 (see p. 147), changing boundaries for school purposes only; and by ordinance 1296 (see p. 156), annexing territory and establishing the tenth ward.

## WARD BOUNDARIES.

SECTION 3. (As amended by section 1 of chapter 195, Laws of 1885.) The city of Madison shall be divided into six wards, as follows, to-wit: All that part of the said city lying north and west of lines drawn through the center of Wisconsin and Washington avenues, Washington street and the Mineral Point road, as far as Francis street, shall constitute and be known as the first

ward. All that part of said city lying north and east of lines drawn through the center of Wisconsin and Washington avenues and Winnebago road to the city limits shall constitute and be known as the second ward. All that part of the city lying west, south and east of a line drawn through the center of Blountstreet, Washington and Monona avenues, shall constitute and be known as the third ward. All that part of said city lying south and west of a line drawn through the center of Washington and Monona avenues, Washington street and Mineral Point road, shall constitute and be known as the fourth ward. All that part of said city lying west of Francis street, bounded north by the Fourth lake and south by the Mineral Point road, west by the city limits, shall constitute and be known as the fifth ward; and all that part of the city lying south and east of a line drawn through the center of Blount street and Washington avenue and Winnebago road shall constitute and be known as the sixth ward. The common council may by ordinance create two or more election districts in any of the wards of the city, whenever they shall deem the same necessary.

See chapter 244, Laws of 1883, detaching a part of fourth ward and making same a part of the Town of Madison for all purposes, p. 145, see chapter 362, Laws of 1885, adding a part of sec. 26, Town of Madison, to fourth ward for school purposes only, p. 146; see ordinance No. 1139, creating 1st and 8th wards, p. 152; see ordinance No. 1140, creating 2nd and 7th wards, p. 153; see ordinance No. 1279, creating 4th and 9th wards, p. 155; see ordinance No. 1296, creating 10th ward, p. 156.

#### COMMON COUNCIL.

SECTION 4. (As amended by section 1 of chapter 269, Laws of 1887.) The corporate authority of said city shall be vested in one principal officer, styled the mayor; in one board of aldermen, consisting of two members from each ward, who with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned or may be created under this act.



## CHAPTER II.

## ELECTIVE OFFICERS.

SECTION 1. (As amended by section 2 of chapter 269, Laws of 1887.) The elective officers of said city shall be a mayor and treasurer for the city at large, and two aldermen and one justice of the peace for each ward,\* which said officers shall hold their respective offices as follows: The mayor and treasurer for one year; one alderman in each ward and justice of the peace for two years. The mayor and treasurer shall be qualified voters and residents of said city, and the ward officers shall be qualified voters and residents of the respective wards for which they are elected. The term of officers shall commence on the third Tuesday in April in each year in which such officers shall have been elected. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.†

## ANNUAL ELECTIONS—HOW CONDUCTED.

SECTION 2. The qualified voters of the city of Madison shall hold an election on the first Tuesday of April in each year, for the election of city and ward officers herein designated, and shall be presided over by the inspectors of election appointed under the general laws of this state, who shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all question that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls,

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\*See chapter 147, Laws of 1885, allowing justices of the peace to keep offices in any part of their respective cities, 148.

†Affected by chapter 443, Laws of 1901, lengthening the terms of certain city officers.



and shall certify and seal two returns; and the day following the election shall direct and return one of the said returns to the city clerk of the city of Madison, and the other to the county clerk of the county of Dane. The mayor of the city and such members of the common council as shall hold over, shall constitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon until five in the afternoon. Said elections shall be conducted in accordance with this act, and with the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.\*

#### VACANCIES—HOW FILLED.

SECTION 3. In the event of a vacancy in the office of mayor, justice of the peace or alderman, by death, removal or other disability, the common council shall order a new election, and shall give five days' notice thereof. Any vacancy in other officers shall be filled by the common council. The person appointed or elected to fill a vacancy, shall hold the office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

#### ELECTION BY BALLOT—TIE VOTE.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the council shall be *viva voce*, except as hereinafter provided. When two or more candidates for an elective office shall receive

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\*See section 49, Wisconsin Statutes of 1898, as amended by chapter 72, Laws of 1899, and and chapter 404, Laws of 1901, relating to the time of opening and closing the polls.

an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct.

#### QUALIFIED ELECTORS.

SECTION 5. All persons who are qualified electors of the state of Wisconsin shall be deemed qualified electors of said city and ward.

#### CHALLENGES—PENALTY FOR ILLEGAL VOTING.

SECTION 6. If either of the inspectors of election shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen, conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; and that you are a resident of this ward, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons, whose vote may be challenged as aforesaid, and shall swear in their votes. And if any inspector shall knowingly or corruptly



receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit or municipal court for the county of Dane.

#### SPECIAL ELECTIONS.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and returns thereof shall be made in the same time, form and manner as of annual elections.

#### CLASSIFICATION OF ALDERMEN.

SECTION 8 (As amended by section 2, of chapter 195, Laws of 1885, and by section 3 of chapter 269, Laws of 1887). The aldermen of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected; and there shall be elected annually on the first Tuesday in April, in each ward, one alderman, who shall hold his office for two years.

#### WHEN OFFICE DEEMED VACANT.

SECTION 9. Any officer removing from the city, and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

## CHAPTER III.

## OATH OF OFFICE—OFFICIAL BOND.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the city clerk, and the treasurer, chief of police, street superintendent and justices of the peace, and such officer as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Madison a bond, in such sum and with such security and such conditions as the common council may direct. And the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

MAYOR—HIS DUTIES—TO APPOINT POLICE—THEIR COMPEN-  
SATION.

SECTION 2. (As amended by section 4 of chapter 269, Laws of 1887.) The mayor, when present, shall preside over the meeting of the common council, shall take care that the laws of the state and the ordinances of the city, within the corporation, are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and such a number of policemen as the common council at their first regular meeting thereof shall determine, which appointments shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of the chief of police shall be determined by the common council; and all policemen shall receive the fees allowed to constables for the same services, and in addition shall be paid such compensation per diem as the common council may determine. The mayor may also appoint as many special or temporary police on election days or other public or unusual occasions as he may think proper. Such special policemen shall receive for their



services the same fees allowed by law to constables for similar services, and no per diem shall be paid to any special police officer of the city, except when a special order or direction of the mayor shall be given for that purpose, and not exceeding one dollar per diem for each officer so ordered to be compensated. When any such order or direction shall be given by the mayor he shall report the fact at the next meeting of the common council, with the name or names of the persons so to be compensated for such service, which order or direction, if not countermanded by the mayor, shall continue in force until disapproved by a majority of all the members elect of the council. The common council may by ordinance prescribe the powers and duties of police and other peace officers. The mayor shall communicate in writing to the common council once a year such information as he may deem necessary, and at all times give such information as the common council may require.\*

FIRST MEETING OF THE COUNCIL—TO ELECT PRESIDENT.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect by ballot, one of its number president, and in the absence of the mayor, the president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the power and discharge all the duties of mayor. In case the mayor and president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who for the time being shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council as acting mayor shall sign no order, warrant or other

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See secs. 959—40 to 959—46, inclusive, R. S. of 1898, creating police and fire commission, etc.

proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

#### CITY CLERK—HIS DUTIES.

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal, and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records, certified by him under the corporate seal shall be evidence in all courts, in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriations and orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk *pro tem*. The city clerk shall have power and authority to administer oaths and affirmations.

#### TREASURER—HIS DUTIES.

SECTION 5. (As amended by section 5, of chapter 269, Laws of 1887.) The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements in such manner as the common council shall direct. He shall report to the common council as often as is required and annually at least ten days before the election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk; and the duties pertaining to said office of treasurer shall not be performed by any other officer of said city. The compensation of such treasurer shall be twelve hundred dollars annually, and at that rate for parts of a year. And all the fees and percentages heretofore charged and collected by such treasurer shall still be charged and collected by him, and when



so collected no part thereof shall belong to such treasurer, but the same shall be paid into the city treasury for the benefit of the city, and the salary of such treasurer shall be paid in full for all his services as such treasurer, and shall be paid at such time or times as the common council may determine.

CHIEF OF POLICE—POLICEMEN—THEIR DUTIES.

SECTION 6. (As amended by section 3 of chapter 195, Laws of 1885, and by section 6 of chapter 269, Laws of 1887.) The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, the collection of all fines and license moneys, and the inspection of sidewalks, to keep them in necessary and good repair, and enforce all the ordinances and regulations for cleaning sidewalks and keeping them free from snow and ice. He shall possess the power of a constable at common law, or by the laws of this state, and receive like fees. The policemen shall be under the control and direction of the mayor and chief of police, and shall have all the powers and perform all the duties of a constable, under the laws of the state of Wisconsin; provided, that the chief of police and policemen shall not go beyond the city limits to make arrests or serve any process, unless the cause for making such arrest or issuing such process arise within the city.\*

MAY REQUIRE OTHER DUTIES.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by it, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

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\*See secs. 959—40 to 959—46, inclusive, R. S. of 1898, creating Police and Fire Commission.

## PRINTING TO BE LET TO LOWEST BIDDER.

SECTION 8. The common council shall annually provide that all printing authorized or required by it to be done for its use or for the city shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a daily newspaper, printed and published in the city of Madison, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers shall fail to bid. All ordinances and other proceedings required by this act, or by the laws or ordinances of the common council, to be published, shall be published in the newspaper selected under the provisions of this section. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceeding has been published; and such affidavits shall be *prima facie* evidence of the publication of such notice, ordinance, proceeding or by-law.\*

## BOOKS, ETC., TO BE DELIVERED TO SUCCESSOR.

SECTION 9. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state.

## PEACE OFFICERS.

SECTION 10. The mayor, sheriff of Dane county, each and every alderman, justice of the peace, policeman and watchman, shall be officers of the peace, and suppress in a summary manner

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\*See sec. 925—46 (a), R. S., 1898, and chapter 176, Laws of 1895.



all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all bystanders, and if need be of all citizens. If any person or bystander shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings.

MAY ELECT STREET SUPERINTENDENT, SURVEYOR, ATTORNEY  
AND BOARD OF EDUCATION.

SECTION 11. On the third Tuesday of April, in each year, or within ten days thereafter, the common council may elect one superintendent of streets and a city surveyor, and a city attorney, and at the same time the said council shall elect one of its number to be a member of the board of education, each one of whom shall hold his office until the next third Tuesday in April; and the common council shall have power to fill, from time to time, vacancies that may exist in said offices.

SHALL ELECT ASSESSOR.

SECTION 12. The common council shall, on the first Monday of September in each year, or within twenty days thereafter, elect one assessor, who shall hold his office for the term of one year.

DUTIES OF ASSESSORS.

SECTION 13. (As amended by section 4, of chapter 195, Laws of 1885, and by section 7, of chapter 269, Laws of 1887.) The assessor so elected shall assess all the taxable property of the city of Madison, as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation as the common council shall determine, not exceeding the sum of ten hundred dollars for the term for which he was elected.

SECTION 14. The superintendent of streets shall perform the duties, and under the restrictions and for the compensation prescribed in section seven of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of said city, not inconsistent with this act.

ALL PLANS, ETC.—CITY PROPERTY.

SECTION 15. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

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## CHAPTER IV.

### COMMON COUNCIL.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Madison do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

### STATED AND SPECIAL MEETINGS.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be served personally or left at their usual places

of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members, and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds of its members, any member for disorderly or contemptuous conduct and by a vote of two-thirds its members may expel any member for cause.

#### GENERAL POWERS OF COUNCIL.

SECTION 3. The common council shall have the control and management of the finances and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of the trade, commerce and health, as it shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law, and such ordinances, rules and by-laws are hereby declared to be and have the force of law; provided, they are not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority by ordinances, resolutions or by-laws:

#### LICENSE SHOWMEN, ETC.

1st. (As amended by section 5, of chapter 195, Laws of 1885, and by section 1, of chapter 244, Laws of 1889.) To license and regulate the exhibition of common showmen or shows of any kind, or the exhibitions of caravans, circuses, theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances, or at common law, and to grant licenses for selling spirituous liquors, and to regulate and license groceries, taverns and victualing houses, and all persons vending or dealing in



spirituous, vinous or fermented liquors, and to revoke the same for violation thereof; and provide for licensing annually all persons engaged in the retail of any manufactured articles on the public streets of said city; and provide for licensing all persons engaged in buying any merchandise, goods, wares and meats, and exposing and offering the same for sale on the public streets in the city; provided, that nothing contained in this section shall be construed to empower the common council to require a license of any farmer or gardener for the sale of any meats or produce of his own raising or manufacture. The license herein provided for shall not be for a shorter period than one year, and shall be not less than the minimum sum now charged by the laws of this state for the same.

#### PROHIBIT GAMING.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gaming in said city, and to restrain any person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

#### PREVENT RIOTS, ETC.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

#### CLEANSE NAUSEOUS PLACES.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.



## LOCATE SLAUGHTER HOUSES.

5th. (As amended by section 6, of chapter 195, Laws of 1885.) To direct the location and management of slaughter-houses and markets, and to prevent the erection of and use or occupation of the same, where the offal or filth thereof shall discharge into the waters of the lakes or Catfish; or whenever the use or occupation of the same becomes injurious to the public health in the judgment of the common council; and to establish rates for, and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same or other explosive materials.

## GRADE STREETS.

6th. To provide for the making, grading, improving and repairing the streets of the city of Madison, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, firewood or other materials or substance whatever.\*

## PREVENT HORSE RACING.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

## RESTRAIN CATTLE.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

## DOGS.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance of said city.

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\*See sec. 925—sub. secs. 172–197a of R. S., adopted and made a part of city charter by ordinance No. 1237, p. 127.

## PUTRID CARCASSES.

10th. To prevent persons from bringing, depositing or having within said city or placing in the lakes adjacent to the said city any putrid carcass or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, hides, or skins of any kind, or on default, to authorize the removal by some competent officer, at the expense of such person or persons.

## POUNDS.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the construction and maintenance of water works and sewers; to regulate and to license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city; and to erect lamps and to provide for lighting the streets, public grounds and public highways, with gas or otherwise.

## BOARD OF HEALTH.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

## WEIGHT OF BREAD.

13th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

## RIDING ON SIDEWALKS.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to such sidewalks.

## FIREARMS, ETC.

15th. To prevent shooting off firearms or crackers and to prevent the exhibition of fire works in any situation which may be considered by the council dangerous to the city, or any property therein or annoying to the citizens thereof.

## RESTRAIN DRUNKENNESS.

16th. To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and to provide for arresting, removal and punishing any person or persons who may be guilty of the same.

## REGULATE RUNNERS.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses and other establishments.

## POLICE.

18th. To make rules and ordinances for the government and regulation of the police of the city.

## PUBLIC MARKETS.

19th. To establish public markets, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

## HAY, WOOD, ETC.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime and other gross commodities, and to appoint suitable persons to superintend and conduct the same.



## REMOVE SNOW, ETC.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substances by some officer of the city at the expense of such owner or occupant.

## CONTAGIOUS DISEASES.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages wherein are contagious and infectious diseases or disorders, and to make such dispositions of such persons as to preserve the health of said city.

## AUCTIONS AND AUCTIONEERS.

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise and other property at public auction, and to grant licenses for the sale of goods, wares and merchandise, and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses; provided, it shall not be lawful to charge less than five dollars nor more than five hundred dollars for any such license for one year: and provided also, that nothing in this section shall prohibit, or effect in any manner, sales at auction in cases specified in section one thousand five hundred and eighty-five of the revised statutes.

## WATCHMEN.

24th. To appoint watchmen and prescribe their duties.

## WEIGHTS AND MEASURES.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping any false weights and measures.



## LAKES.

26th. The common council shall have jurisdiction over the entire lakes bordering on the city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, inlets to or outlets between the same, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also, by ordinance or resolution, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the water shall be impaired, as it shall deem expedient.

## TREES.

27th. (As amended by section 8, of chapter 269, Laws of 1887.) The common council shall have power to require the owner of any lot or ground in the city to set out ornamental trees in the street or streets fronting on said lot or ground, and to keep the same trimmed in proper condition, and in default thereof, to cause the same to be done, and to levy a special tax upon said lot or ground to pay the expenses of the same.

## DRAINS.

28th. The common council shall have power to grant permission for the construction of drains, to empty into either of the lakes adjoining the city; provided, that all such drains shall be constructed of metal or cement pipe, and shall empty into the water where it is at least six feet in depth.

## RAILROAD COMPANIES.

29th. (Added as subdivision 29, by chapter 266, Laws of 1891.) The common council shall have full power to regulate the use of locomotive engines within the city, to regulate the speed of railway trains within the city, not conflicting with any general law relating thereto; to direct and control the location of railroad tracks in the streets, and as one of the conditions for such privilege, to require railway companies to maintain,

at their own expense such bridges, viaducts, tunnels or other conveniences, at public railroad crossings, as may be necessary; also to regulate the running of such railway cars, in laying down of tracks for the same, and the kind of rails to be used.

#### HARBORS.

30th. Fifty-seventh. To provide for the preservation of any harbor within or of the city; prevent any use of the same or of such part of any lake, river, stream, spring or pond as is within the city or any action in relation thereto inconsistent with or detrimental to the public health or calculated to render the water of the same or any part thereof impure or offensive, or tending in any degree to fill up or obstruct the same; prohibit and punish the casting or depositing therein of any earth, dead animals, ashes or other substance, or filth, logs or floating matter; prohibit and remove all obstructions therein and provide for the punishment of the authors thereof; regulate and prescribe the mode and speed of vessels entering and leaving the harbor, of passing the bridges and of coming to and departing from the wharves and streets of the city by steamboats, canal-boats and other craft and vessels, and the disposition of the sails, yards, anchors and appurtenances thereto while entering, leaving or abiding in the harbor, and regulate and prescribe by such ordinances or through their harbor-master or other authorized officer such location of every canal-boat, steam-boat or other craft afloat, and such changes of situation in and use of the harbor as may be necessary to promote order therein and the safety and equal convenience, as near as may be, of all such vessels, boats, craft and floats, and impose penalties not exceeding one thousand dollars for any offense against such ordinance, and by such ordinance to charge such penalties, together with such expenses as may be incurred by the city in enforcing the subdivision, upon the steamboat, canal-boat or other vessel, craft or float.

This is sub-section 57 of section 925—52, R. S. of 1898, adopted by ordinance No. 1163.

## DOCK LINES, ETC.

31st. Fifty-eighth. To establish dock lines, regulate the construction of piers and wharves extending into any lake or navigable waters, prescribe and control the prices to be charged for pierage or wharfage thereon, and regulate, prescribe and control the prices to be charged for dockage and storage within the city.

This is sub-section 58 of section 925—52, R. S. of 1898, adopted by ordinance No. 1163.

## WHARVES, ENDS OF STREETS.

32d. Fifty-ninth. To lease the wharfing privileges of the rivers and navigable waters at the ends of streets upon such terms and conditions as may be reserved in the leasing of other real estate, reserving such rent as may be agreed upon and employing such remedies in case of non-performance of any covenants in such case as are given by law in other cases; but no buildings shall be erected on the ends of streets. The owner or owners of the adjoining lot or lots shall in all cases have preference in leasing such property, and a free passage over the same for all persons, with their baggage, shall be reserved in such lease.

This is sub-section 59 of section 925—52, R. S. of 1898, adopted by ordinance No. 1163.

## APPROPRIATIONS—DEBT—VETO—ORDINANCES TO BE PUBLISHED.

SECTION 4. (As amended by section 7, of chapter 195, Laws of 1885.) No appropriation shall be made or liability incurred against the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances, before the same shall be in force shall be signed by the mayor; and all resolutions or measures for the appropriation of money, whereby a debt shall be created against, or a liability incurred



by the city, shall be approved by the mayor before the same shall be in force; provided, that any resolution or ordinance requiring the signature of the mayor, may be passed over his veto by a vote of five-sixths of all the members elected to the council; provided further, that any resolution or ordinance passed by the council shall become a valid resolution or ordinance as if signed by the mayor unless at or before the next regular meeting of the council after such passage it shall be returned to the council by the mayor with a statement in writing that he refuses to give his consent thereto and giving his reasons therefor in writing, and all ordinances shall be published in a public newspaper printed in the city of Madison, to be selected by the common council before the same shall be in force; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be *prima facie* evidence of such publication.

See sec. 925—38, R. S., 1898.

#### COMMON NUISANCES.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor; houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, are hereby declared and shall be deemed public or common nuisances.

#### AUDIT ACCOUNTS—MAY REQUIRE EXHIBITION OF BOOKS AND VOUCHERS.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street



superintendent, and all other officers or agents of the city, at such time as it deems proper, and also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power, by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city, elected by the common council, or whose appointment shall have been confirmed by it.

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## CHAPTER V.

### OPENING STREETS, ETC., BY PETITION.\*

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same as follows: Whenever ten or more freeholders residing in any one ward shall by petition represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the

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\*See sec 925—175 to 197a, R. S., 1898, adopted by ordinance 1237, p. 127. See also secs. 895 to 904, R. S., 1898, made applicable to all cities by secs. 926-927, R. S., 1898.

enlarging or widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises if the same shall be known to the petitioners, to be set forth in such petition, the common council may then, by resolution, resolve to grant the prayer of said petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein describe by metes and bounds the location of the proposed improvement and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of Dane county for a jury to condemn and appraise the same.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street superintendent or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels, then the same shall also be published once in each week for three consecutive weeks in a newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be



a minor or of unsound mind, the county judge shall, before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice as provided in the last section, shall be filed with the county judge who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not residents of said ward nor interested in said application. He shall hear and decide any challenges for cause or favor made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on the one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge, on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept, requiring them at an hour, on a day named, not more than ten, nor less than three days thereafter, to appear before him to be sworn and serve as a jury to view lands and appraise damages, in the said proceeding, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street superintendent or any policeman of said city, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode, in presence of a member of his family.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the county judge, or fail to attend he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution,



and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

SECTION 5. Under the direction of said county judge, the jury shall view the lands to be taken, and shall sit before him to hear such competent evidence as shall be produced by any party; and for such purpose, such county judge shall possess the same powers as a court in session, with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands or any part thereof, for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each, by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the consent of the jury, and shall be thereupon discharged, and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be summoned and sworn, and shall proceed in the same manner.

SECTION 6. Within ten days after such verdict, any land owner, whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith an undertaking with two sufficient sureties, to be approved by the county judge, to pay all costs that may be awarded against such appellant on appeal, and paying said county judge for his return thereof. The city may likewise appeal from the award of damages to any owner, by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole

award of such owner, or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court within ten days the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the city clerk shall record all such proceedings.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury, unless waived; and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from; otherwise, against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

SECTION 8. If the verdict of the jury shall determine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when it recovers costs in the circuit



court or supreme court. All jurors and witnesses in proceedings under this chapter, shall receive the same fees as jurors and witnesses in the circuit court.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part, not less than one-half of such expenses as a tax upon such property, as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and city clerk, shall be published once in each week for two weeks in a newspaper published in said city, and a notice therewith that, at a certain time therein stated, the said common council will meet at its usual places of meeting, and hear all objections which may be made to said assessment, or to any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify such assessment in whole or in part, and shall adopt a resolution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed, from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots in the tax roll, in addition to and as a part of all other city taxes therein levied on such land, to be collected therewith.



## CHAPTER VI.

## ORDINANCES, ETC., FOR STREET IMPROVEMENTS.

SECTION 1. Every ordinance, resolution or by-law providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced, shall have been published in the official newspaper of the said city.

## MAY ESTABLISH GRADES.

SECTION 2. The common council of the city of Madison shall have power to establish the grade of the streets of the city of Madison, and to change and re-establish such grade as it shall deem expedient; provided, that whenever it shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade shall have his right of action against the city for the recovery of such damages, but no suits shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

See sec. 925—172, R. S., 1898, adopted by ordinance 1237, p 127.

## DUTY OF SUPERINTENDENT.

SECTION 3. It shall be the duty of the superintendent of streets to see that all ordinances of the city relating to the obstruction and cleaning of sidewalks, streets, alleys, public

grounds, reservoirs, gutters, sewers, waters of the lakes and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

SIDEWALKS—HOW CONSTRUCTED AND REPAIRED.

SECTION 4. (As amended by section 9 of chapter 269, Laws of 1887.) Sidewalks shall be constructed, reconstructed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council by ordinance, resolution or order shall direct, by the owner or owners of any lot or piece of ground, in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same; provided, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners, of the ordinance, resolution or order requiring the construction of such sidewalk by the publication of the same one day in the official paper of the city.

COUNCIL MAY ORDER BUILDING OF SIDEWALKS.

SECTION 5. (As amended by section 8 of chapter 195, Laws of 1885 and by section 10 of chapter 269, Laws of 1887.) The common council shall have the power, by a vote of two-thirds of all the members of the council to order the building, construction, reconstruction or repair of sidewalks in the city of Madison, in



such manner as it may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks and shall open them in the presence of the council, which shall award the contract to the lowest responsible bidder; provided, such bid is a reasonable one, subject to such provisions in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks and levying and collecting of special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and shall so remain for a space of twenty-four hours, which in the opinion of the superintendent of streets, needs immediate repair, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed he shall make out an itemized bill of the costs of such repairs, specifying the lot and block or piece or parcel of land in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot, or piece, or parcel of land, if a resident, of the city of Madison, for payment; and if the owner of such lot, or piece, or parcel of land shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon such said lot, piece or parcel of land, to pay the same in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Madison, the said superintendent shall return the said account to the common council, with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided; no order for the original construction of any sidewalk shall be held valid, unless the owner of the property to be taxed therefor, if a resident of the city, shall have two weeks' previous



notice in writing, of the proposed action of the common council before such action is taken, and whereby such resident owner may be heard by the common council, if objecting thereto, and such notice to be served by leaving the same at his usual place of abode, by some officer of the city to be designated by the council.

POLL TAX—HOW COLLECTED AND EXPENDED.

SECTION 6. Every male inhabitant in the city of Madison over twenty-one years of age, and under fifty, except active members of the fire department, shall pay into the city treasury annually the sum of one dollar each as a poll tax. The assessor shall, at the time of assessing the annual taxes in each year, make out duplicate lists of persons liable to pay such tax, and deliver one of said lists to the city clerk, and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Madison. The said assessor, in making such lists shall designate the ward in which each person on said list resides; and the city treasurer shall collect the same at the time of collecting the annual taxes, and all such taxes shall be paid to the city treasurer on or before the first day of February next after the delivery of said lists to him; and all persons liable to pay said tax, who shall not have paid the same within five days after demand, either personally or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars, together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Madison. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail, not to exceed ten days. The treasurer shall credit each ward of the city with the amount collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction of the senior alderman of each ward, and at his request, under the supervision of the superintendent of streets, on the repair and improvement of streets of their several wards, and to be drawn out upon itemized account certified to by the said senior alderman, and

audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property; provided, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the superintendent of streets that such person has performed one full day's labor shall be received by the city treasurer in full discharge of such tax.

#### STREET SUPERINTENDENT—HIS DUTIES—COMPENSATION.

SECTION 7. The superintendent of streets shall before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by the council conditioned for the faithful performances of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward at such place in each ward as shall be designated by the senior aldermen thereof; he shall, on the first day of September in each year, report to the council, in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how and when expended; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than three dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the com-



mon council shall so determine, and shall receive for his services as such superintendent such sum per day as the council shall determine, not more than one dollar per day.

#### MAY ADVERTISE AND LET TO LOWEST BIDDER.

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street in said city which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which such sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

See sec. 925—186, R. S., 1898, adopted by ordinance 1237, p. 132.

#### MAY CONTRACT FOR GRADING, ETC., OF STREETS.

SECTION 9. The common council of the city of Madison shall have the power, by an affirmative vote of two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed therein.

#### COST OF STREET IMPROVEMENTS.

SECTION 10. (As amended by section 9 of chapter 195, Laws of 1885.) The cost and expenses of surveying streets, alleys and gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys shall be chargeable to and payable wholly or in part, by the lots or land fronting on such street or alley, so that each lot or parcel of land shall



pay for work between the front of each lot or parcel of land and the center of such street or alley, or such proportion thereof as the common council shall determine, or out of the general fund; gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said gutters shall be constructed; provided, however, that when gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such gutters may be constructed; and provided further, that in all cases when improvements, or work of any kind, are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city in proportion to the width of the street, alley or public ground.

ESTIMATES TO BE MADE—WORK MAY BE LET BY CONTRACT OR PERFORMED BY CITY.

SECTION 11. Whenever the council shall determine to make any public improvement, as authorized by this chapter, it shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same, to be approved by the council; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as it shall direct; such contract, when approved by the

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\*See sec. 925—175, R. S., 1898, adopted by ordinance 1237, p. 128.

council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city.

DEEP CUTTING AND EXTRAORDINARY FILLING.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing, that the expenses of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward nor interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and, if in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots or parcels of land on the streets so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing as soon as practicable, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided; in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected; provided, that should said jury find that said petitioners were not entitled to any division of the expense so assessed upon their lots or parcels of land, then the expense



of all proceedings under this section shall be paid by said petitioners, and the common council may require a bond for the payment of the same on the filing of the petition; provided, also, that the petition of no owner feeling himself aggrieved shall be received unless the same shall be presented within twenty days after the publication of the notice requiring the same to be done; and provided further, that when it shall appear to the council that any such lands belong to non-residents, infants or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury as herein provided.

#### WHO TO SUPERVISE WORK.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the mayor, superintendent of streets and city surveyor, and shall be approved by them before it shall be accepted by the council.

#### STREET IMPROVEMENTS, HOW MADE AND PAID FOR—ISSUANCE OF SPECIAL STREET IMPROVEMENT BONDS.

SECTION 14. (As amended by section 2 of chapter 244, Laws of 1889, and by section 1 of chapter 319, Laws of 1891.) Whenever the owners of more than one-half of the frontage of the lots upon that part of any street proposed to be improved, shall petition the common council to improve such street or part of street, by stone paving, macadam or otherwise as set forth in such petition, the common council shall order such improvement to be made as shall be fully specified by the city surveyor and approved by the mayor, and upon advertisement, which shall set forth clearly such specifications, may contract for such work to be done by the lowest responsible bidder, if deemed reasonable in costs. Provided, that such improvement, unless made to connect with street somewhat similarly improved, shall be made to extend upon such street, not less than the length or width of three blocks of lots, and the street crossings between. The cost of such improvement when made, shall be assessed to the re-



spective owners of the lots fronting on such street, in the ratio of each owner's number of feet front, to the entire length of such improvement, exclusive of street crossings, which shall be charged to the city as its proportion of expense, and such crossings shall be made to conform with the streets so improved. In order to provide for the payment of any such street improvement, the common council may issue bonds of the city in sums of \$100 each, with six per cent. interest annually, payable in ten equal annual installments, which installments shall be in the form of yearly coupons attached, each coupon to be of an amount which shall be one-tenth of the unpaid principal and six per cent. interest upon the unpaid part of the said bond to the first day of May when payable, each year, or such bonds with or without coupons payable at such times as it may prescribe. Such bonds to be designated as "special street improvement bonds," and shall be received by the city, if presented in payment for any special tax for which such bond was issued. Upon the assessment being once made as herein provided, there shall be levied annually for ten years a special tax upon the property so assessed, of such an amount as will be required to pay one-tenth of the proportionate cost of such improvement, and the six per cent. interest thereon, upon any unpaid portion to the first day of May following the date of the warrant for collecting the same; provided, that any lot owner or lot owners may at any time, pay the entire principal sum due, with the interest up to the first day of May following such payment, whereupon the lot so paid for shall cease to be specially taxed therefor. All special taxes levied in accordance with the provisions of this section shall be paid or collected in the same manner as other city taxes. Such bonds may be issued both for the payment of the cost of said improvement in front of the lots of the respective owners, and for the payment of the improvement upon said street crossings. The bonds for the improvement of such street crossings shall be of the same denominations and bear the same rate of interest as the other bonds mentioned herein, and shall be payable in ten annual installments, which installments shall be in the form of yearly coupons attached, each coupon to be of an amount which shall be one-tenth of the unpaid principle, and six

per cent. interest upon the unpaid part of said bond to the first of May, when payable each year; or such bonds may be issued with or without coupons payable at such times as may be prescribed. Such bonds for the improvement of street crossings shall be designated as "special street improvement bonds." When any assessment is made pursuant to this section there shall be levied annually for ten years, a tax for such an amount as will be required to pay one-tenth of the proportionate cost of such improvement for such street crossings and the six per cent. interest thereon upon any unpaid portion to the first of May following the date of the warrant for collecting the same. All taxes levied in accordance with the provisions of this section, shall be paid or collected in the same manner as other city taxes; and said bonds for the improvement of street crossings shall be paid as aforesaid, and out of the general fund. The common council of the city of Madison is hereby empowered to pass any ordinance which it may deem advisable or necessary to carry the provisions of this section into force and effect.\*

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## CHAPTER VII.

### WHO CONTROLS FUNDS.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.†

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\*See sec. 925—176, R. S. 1898, adopted by ordinance 1237, p. 128.

†See sec. 925—127 and 128, relating to deposit of funds and how drawn upon, p. 126.



## INDEBTEDNESS—HOW CONTRACTED—BONDS.

SECTION 2. (As amended by section 11 of chapter 269, Laws of 1887, and by section 3 of chapter 244, Laws of 1889, and by section 2 of chapter 319, Laws of 1891.) The common council shall have no power or authority, and it is hereby prohibited from borrowing any money or from authorizing any city officer to borrow money for the use of the city, nor shall it have power or authority to issue any bonds, or to contract or create any debt for any purpose whatever, unless there is money in the city treasury for the payment of the same, except for such work on the streets as shall be paid by special tax or assessment on the property benefited thereby, and except as hereinafter expressly provided. The common council shall have power to issue bonds for street improvements, as provided in the last section,\* to refund existing indebtedness, and to issue bonds therefor, payable within twenty years, at a rate of interest not exceeding six per cent. per annum; it shall have power to borrow money for the construction of water-works, to issue bonds therefor, payable within twenty years, and at a rate of interest of five per cent. per annum, and no bonds shall be issued, unless the same shall be authorized by a vote of not less than two-thirds of the members of the common council taken by ayes and noes at a regular meeting thereof and duly recorded upon the journal of the council, and such bonds shall not be sold or disposed of for less than their par value. No certificate of indebtedness shall be drawn on the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by the ayes and noes upon the journal for the council, and no money shall be appropriated for any expenses whatsoever, except such as is expressly authorized by this act; provided, that the sum of five thousand dollars, now in the water fund of said city, shall by a vote of the common council be transferred from the city water fund, arising from the three mills levied and collected upon the assessed value of the real and personal property of said city, to be used for the payment of the principle and interest of the bonded debt of the city; and provided further, that

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\*See sec. 14, chap. VI, which is section 1 of chapter 319, Laws of 1891, and is the section referred to in this section.



an additional sum of seven thousand dollars, now in the water fund of said city, be transferred to the general fund of said city, and the treasurer of said city is hereby directed to make transfer of the said sums above named, in the manner and for the purposes above specified and determined, immediately upon such a vote having been taken by the common council.\*

#### PENALTIES, ETC., PAID INTO GENERAL FUND.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury and become a part of the general fund, except as otherwise provided by this act.

#### PROPERTY SUBJECT TO TAXATION.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided. The assessors elected under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act; provided, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors and make such rules and regulations in relation to revising, altering or perfecting such rolls as it may from time to time deem advisable.

#### HOW FUNDS APPLIED.

SECTION 5. All funds coming into the city treasury shall be appropriated and used exclusively for the purposes for which

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\*See section 926—11, as amended by chapter 228 and 428, Laws of 1903, and section 943, as amended by chapter 312, Laws of 1903, Wisconsin Statutes of 1898, relating to issuance of bonds by cities; also see chapter 379, Laws of 1903, legalizing the issue of bonds theretofore issued without being submitted to a vote of the people.

said funds were raised, and for no other purpose whatever, and any conversion or appropriation of any of the funds of the city to persons, or for purposes not authorized by the city charter, by the common council, shall be deemed a misdemeanor on the part of each and every member of the common council voting for the same, and each and every member thereof so voting may be prosecuted and punished as provided in section twelve of chapter eleven of the city charter for similar offenses. It shall not be lawful for the city treasurer to pay out any funds in his hands that were raised for any particular or specified purpose, on appropriations or orders made by the common council, for any other purpose than that for which such funds were raised. And any violation of this act shall be deemed a misdemeanor, and upon conviction thereof, such treasurer shall be fined in a sum not less than ten nor more than one hundred dollars and costs of suit, and shall also be liable on his official bond for the repayment of all such sums of money; and the city or any person or persons having claims against the fund so misapplied, may sue for and recover the same.

#### FISCAL YEAR—TAXATION FOR GENERAL PURPOSES.

SECTION 6. (As amended by section 12 of chapter 269, Laws of 1885, and by section 4 of chapter 244, Laws of 1889.) The fiscal year of the city of Madison shall commence on the first day of September, on which day, or as soon thereafter as the certificate of the county clerk, stating the amount of state and county taxes apportioned to the city of Madison, shall be received, the clerk shall notify the mayor, who shall call a special meeting of the council as soon as practicable, at which meeting, or within five days thereafter, the council shall, by resolution, determine what amount of money, including the estimated revenues of the city not derived from direct taxation for the current fiscal year, will be required for all city purposes during that year; and the council shall thereupon, by resolution, levy a tax which, together with a tax required to be levied for the state, county and school purposes, and for delinquent taxes of the preceding year, shall not exceed in amount two per cent. of the assessed value of real and personal property of the city for that



year. Of the amount so levied, a sum equal to two-tenths of one per cent. of the assessed valuation of the real and personal property of the city shall be set apart and used for the payments of the interest and principal of the bonded debt of the city so long as any portion of such debt shall remain unpaid; the sum of one-tenth of one per cent. of the assessed valuation of the real and personal property of this city shall be set apart to be paid to the treasurer of the board of education, and it shall be applied to the payment of the principal and interest on a loan of forty-five thousand dollars or less that may be made by the board of education of said city, for building purposes, so long as any part of such loan remains unpaid, and when said loan and interest is wholly paid, said money so collected shall be set apart and used for the payment of the principal and interest of the bonded debt of the city, so long as any portion of the debt remains unpaid, and a further sum equal to four-tenths of one per cent. of the assessed valuation of the real and personal property of the city, or such less sum as the board of education may by resolution determine to be sufficient, shall be set apart and used for the payment of the current and contingent expenses of the city schools and for no other purpose whatever; and the sum of three-tenths of one per cent. of the assessed valuation of the real and personal property of the city, or such less sum as the board of water commissioners may, by resolution determine to be sufficient at a meeting of said board prior to the time of the levy of the tax by the common council of the city as specified, shall be set apart to the water-works fund hereinafter provided for; and such sums as shall be included in the estimates made in pursuance of this section for the Forest Hill Cemetery and free public library, shall be set apart and used for the expenses of the maintenance of said cemetery and free public library and for no other purpose; and the remainder of the tax levied under the provisions of this section shall constitute a general fund of this city. All resolutions for the purpose of levying taxes shall require for their passage an affirmative vote of two-thirds of the members of the common council.



## TAXES TO BE A LIEN UPON PROPERTY.

Section 7. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof, until such taxes shall be paid, and no sale or transfers of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

## ASSESSMENT ROLL, TRANSMITTED TO COUNTY CLERK.

SECTION 8. Before the annual meeting of the board of supervisors of the county of Dane, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at its annual meeting.

## EQUALIZATION.

SECTION 9. The board of supervisors shall have the right to regard the city of Madison as a town, in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

## HOW BOARD OF SUPERVISORS PROCEEDS.

SECTION 10. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law, in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided.

## ASSESSMENT ROLL.

SECTION 11. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein, which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county, school and city taxes together, and carry the amount thereof into one column; but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax, school tax and city tax separately, in his warrant to the treasurer for the collection of such taxes.

## TAX LIST TO BE EVIDENCE OF REGULARITY.

SECTION 12. The tax list made out and preserved as aforesaid, shall be *prima facie* evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or levying taxes, from election of officers to the completion of the tax list inclusive, has been done regularly, correctly and as required by law.

## DUPLICATE COPY FOR TREASURER.

SECTION 13. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant, signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in the said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said

year, or as soon thereafter as practicable, deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

#### TREASURER TO COLLECT—HIS FEES.

SECTION 14. The city treasurer upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions as town treasurers, except as otherwise provided in this act. The city treasurer shall charge and collect no fee whatever on any tax paid on or before the tenth day of January in each year, and upon all taxes paid after that day, he shall charge and collect two per cent. fees, to be added to the amount of taxes, and collected with the same; and all fees so collected by him shall be paid into the general fund of the city.

#### WHEN SHALL MAKE DELINQUENT LIST.

SECTION 15. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Dane county, a list of all lands, lots and personal property upon which the taxes have not been paid, and shall add to said taxes remaining unpaid, five per cent. upon all delinquent lands or lots so returned by the city treasurer to the county treasurer of Dane county, and shall make return of said taxes, with said five per cent. added, and shall also settle with, and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall extend to any may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

#### WHO TO SELL DELINQUENT LANDS.

SECTION 16. The county treasurer shall sell all delinquent lands and lots returned from the city of Madison, at the same time, and in the same manner as other delinquent lands are sold in said county.



## NO PROPERTY EXEMPT FROM SPECIAL TAXES.

SECTION 17. (As amended by section 10, of chapter 195, Laws of 1885, and by section 1, of chapter 326, Laws of 1885.) All real estate exempt from taxation by the laws of this state shall be subject to all special taxes for the building of sidewalks, sewers and gutters, and improvement of streets in front of the same, unless otherwise ordered by the common council.

See chapter 250, Laws of 1901, exempting real estate belonging to or held in trust for the state.

## OF ERRORS.

SECTION 18. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate or vitiate or any wise affect the validity of the assessment or tax; provided, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying a tax.

## CERTIFICATES NOT RECEIVABLE FOR INDEBTEDNESS.

SECTION 19. The city treasurer shall not receive from the treasurer of the county of Dane, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year for city purposes greater than the amount determined upon, as provided in this chapter, for such purpose, together with the amount of money which may at any time be in the city treasury, derived from other sources than taxation.

## NO SCRIP OR OTHER EVIDENCE OF DEBT TO BE ISSUED.

SECTION 20. No scrip, certificate, treasury order, nor other evidence of debt shall hereafter be issued or authorized by the common council of the city of Madison, except as provided in this act; but whenever the common council shall lawfully ap-

propriate money to any party, to be paid out of the city treasury, the mayor and city clerk shall certify the fact directly to the city treasurer, in the order in which such appropriations are made, specifying in said certificate also the purpose for which said appropriation was made; and said treasurer shall pay the amounts so appropriated and certified in the order in which they are so certified, out of any funds in his hands belonging to the city, taking proper receipts therefor and filing them in his office, and the city funds shall be paid out of the treasury in no other manner whatsoever.

#### MAY LEVY TAXES TO PAY JUDGMENTS.

SECTION 21. The common council shall have power, by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

#### TREASURER MAY BE REMOVED.

SECTION 22. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office and appoint a suitable person to fill the vacancy.

#### ACCOUNTS TO BE VERIFIED.

SECTION 23. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand shall be deemed guilty of perjury.

#### APPROPRIATIONS TO BE AUTHORIZED BY COUNCIL.

SECTION 24. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts or demands allowed by the common council, and no interest shall be allowed or paid on any city order or certificate whatever; provided,

however, that when the city, being duly authorized thereto, shall borrow money, certificates of appropriations therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding seven per centum per annum, and when so drawn and signed by the mayor and clerk, interest shall be paid thereon as therein expressed.

#### WHEN ACTION MAINTAINED.

SECTION 25. No action shall be maintained by any person against the city of Madison upon any claim or demand until such person shall first have presented his claim or demand to the common council for allowance.

#### DISALLOWANCE OF ACCOUNT TO BE FINAL.

SECTION 26. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section twenty-eight of this chapter.

SECTION 27. In case any person shall present his claim or demand to the common council, and the said common council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

#### CLAIMANT MAY APPEAL TO CIRCUIT COURT.

SECTION 28. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim to the circuit court of the county of Dane, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient



surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the appellant by the court. The clerk, in case, such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Dane county.

#### NOTICE OF APPEAL.

SECTION 29. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter.

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### CHAPTER VIII.

#### FIRE DEPARTMENT—FIRE LIMITS.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire proof shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

#### MAY REGULATE BUILDING OF CHIMNEYS, ETC.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and ap-

paratus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and times as it shall prescribe, and to regulate the use of them in time of fire; and to regulate and to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire-wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons and to compel by-standers to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

#### ENGINES—FIRE COMPANIES.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up; and such apparatus may be sold if the common council so direct, and the proceeds of such sale shall be paid into the city treasury. Each company shall consist of such number of able bodied men as the common council may by ordinance prescribe, between the ages of fifteen and fifty, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member of each company hereby authorized to be formed shall be exempt from highway work, poll tax, from serving on juries, and from military duty, during the continuance of such membership.

## ENGINEERS.

SECTION 4. (As amended by section 11, of chapter 195, Laws of 1885.) The common council, at its regular meeting in March in each year, shall elect one chief engineer and one assistant engineer of the fire department, who shall perform such duties as the common council shall prescribe, and who may at any time enter into or open any house, store-house or other building or enclosure, for the purpose of inspecting the same and with a view to guard against fire.\*

## ARREST FOR DISOBEDIENCE OF ORDERS.

SECTION 5. (As amended by section 12, of chapter 195, Laws of 1885.) When any person shall refuse to obey any lawful order of any engineer, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or direct orally the chief of police, policeman, watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of every person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe not exceeding fifteen dollars.

## SACK COMPANY HOW ORGANIZED.

SECTION 6. The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually,

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\*See secs. 959—40 to 959—46, inclusive, R. S. of 1898, relating to police and fire commission.



are hereby authorized and empowered to act as a special police in and for the city of Madison, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in their power, preserve the same from injury or destruction. Said company may from time to time adopt such by-laws and regulations as it may seem necessary, not inconsistent with this act and the laws of this state. The members of said company shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully perform the duties of their said office; and when any member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

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## CHAPTER IX.

### WATER WORKS.

SECTION 1. The common council is hereby authorized and empowered to construct, maintain and operate a system of water works for fire protection and for the supply of pure and wholesome water for public and private use in said city; for that purpose it may acquire such real estate for the erection of buildings, for sinking wells or building reservoirs and for laying mains and pipes as it may deem necessary and proper. It may also provide for the erection of such buildings, the purchase of all necessary engines, pumps and machinery, and for the

purchase and laying of pipes and for the supply of such other apparatus and fixtures as shall be required to construct, maintain and operate such water works on the most approved methods and in the most efficient manner; provided, that if it be found practicable said water shall be supplied by direct pressure, and from artesian wells.

SECTION 2. The said council shall have power to lay water mains and pipes in and through all the public grounds, streets and alleys of said city; to construct jets and hydrants for public use, and fountains at such places in said city as it shall deem proper. And said council, its officers, agents and servants, are authorized to enter upon any land or water, within the limits of said city for the purpose of making examinations or surveys in the performance of their duties under this chapter; and generally to acquire all real and personal property, and make all contracts, and to perform all work that may be deemed necessary and proper from time to time in the construction and operation of the water works provided for in this chapter.

SECTION 3. Whenever any real estate or any easement therein or use thereof, shall, in the judgment of said council, be necessary for the construction and operation of said works, and for any cause an agreement for the purchase thereof cannot be made with the owner of the same, the said council shall thereupon proceed to take such real estate, easement or use as provided in chapter 5 of this act for taking lands for public squares, grounds, streets and alleys, except that no petition shall be necessary therefor, and that no part of the costs and expenses incurred in taking and paying for such property shall be assessed against the owners of property who may be benefited thereby unless the common council shall so expressly determine and direct; but all the other provisions of said chapter five shall apply to the taking of such real estate, easement or use, for the construction of such works as far as the same may be applicable.

SECTION 4. There is hereby created for the said city a separate fund, to be called the water fund; there shall belong to such fund all bonds and proceeds thereof, authorized to be issued for the construction of water works, the proceeds of all



taxes levied for the construction and operation of said water works, all water rates assessed and collected for water, proceeding from such water works and all other moneys and property in any way derived by the said city in aid of said water works, or appropriated by the said common council to the same. And all money in the sinking fund of said city at the time of the passage of this act, held for the payment of principal and interest of the bonded indebtedness of said city, shall be transferred from said sinking fund to said water fund, whenever provision shall have been made for refunding such indebtedness. Said water fund is hereby exclusively devoted and appropriated to the construction, maintenance and operation of said water works for the ensuing five years, or until said works shall have been wholly completed as nearly as practicable in accordance with the general plan mapped out by the city surveyor, approved by the council, and on file in the office of the city clerk; but if during that period the amount provided and set apart by section 6 of chapter 7 of the charter for the payment of the principal and interest of the bonded indebtedness of said city, including the bonds issued for water works, shall not be sufficient for the payment of such interest when the same shall accrue, there is hereby appropriated from said water fund a sufficient sum to supply such deficiency, and the city treasurer is hereby required to transfer from said water fund to said sinking fund a sufficient sum of money to pay such deficiency for any year when the same may exist. On the expiration of said five years or on the completion of said water works there shall be transferred annually thereafter from said water fund to the sinking fund of said city for the payment of the principal of the bonded indebtedness of said city, including the bonds issued for water works, the sum of five thousand dollars until said bonded indebtedness shall be wholly paid and discharged. Said water fund shall be kept in the city treasury in the custody of the city treasurer, and shall be disbursed by him on vouchers drawn upon the same in the manner provided in this act; and said city treasurer and the sureties on his official bond shall be liable for the safe keeping and disbursement thereof. And it shall be the duty of said treasurer to report to the common council quarterly the amounts of receipts and disbursements of the preceding quarter with a



detailed statement of the same; which report after being submitted to the common council shall be filed in the office of the city clerk.

SECTION 5. It shall be the duty of the clerk of said city to keep separate accounts of all the funds, receipts and payments on account of said water works, and a separate record of all the contracts made by the common council touching said water works, and of the estimates of the cost of such contracts, and of all work done and all money paid out on account of such water works, and generally to keep separate books for said water fund, and water works, as he is or may be required by law or by the ordinances of said city to keep of other property, funds and interest of said city.

SECTION 6. The said water works and all the grounds, buildings, fixtures, machinery and other things appertaining thereto shall be under the control of the common council. Upon the completion of said works or as soon as deemed necessary the common council shall elect a superintendent who shall hold his office for the term of one year, or until his successor is elected and qualified; and the council shall make further provisions by ordinance for the employment of such other assistants, agents and servants as may be necessary and proper for the successful operation and management of said works, and fix the salary or compensation of said superintendent and other employes.

SECTION 7. The common council shall have power to make and enforce by-laws, rules and regulations in relation to said water works; and before the actual introduction of water, the council shall make by-laws, rules and regulations for the supply of water, fixing uniform water rates to be paid for the use of water furnished by the said water works, and regulating the manner of distributing and supplying water for use or consumption, and for withholding or shutting off the same for cause, and shall have power from time to time to alter, modify or repeal such by-laws, rules and regulations. All rates and charges for the use of water shall be payable in advance in such manner as the common council shall prescribe.

SECTION 8. Any person who shall wilfully or maliciously injure or destroy any portion of the works, fixtures or other property belonging or appertaining to said water works, or who

shall wilfully pollute or otherwise injure any water supplied by said water works, or who shall wrongfully interfere with or open any hydrants or waste any water therefrom, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SECTION 9. (As amended by section 13 of chapter 195, Laws of 1885.) It shall be the duty of the common council, and it is hereby empowered, from time to time, to pass such ordinances as may be deemed necessary and expedient for the management and protection of said water works, and regulating and controlling the supply and use of water therefrom; and the common council is hereby empowered, when it shall deem it for the best interests of the city, to appoint a board of three water commissioners, in addition to the mayor, who shall be a member of said board ex officio, and one alderman, to be elected by the common council annually, at its first regular meeting, to take the entire charge and management of said water works, to appoint a superintendent and other employes, and fix their compensation, and to supervise and control the supply and distribution of water throughout the city, and generally to discharge the duties imposed upon the common council by this chapter, under the general control and supervision of said council; but such commissioners shall receive no compensation for their services; provided, that nothing herein contained shall be construed as authorizing said common council to enter into any arrangement with any person or persons, or private corporation, for the erection or control of such water-works for the supply of water for said city of Madison.

SECTION 10. The common council may advertise for proposals for furnishing materials and constructing said water works, receiving separate proposals for such parts thereof as shall be deemed advisable, and may accept such proposals as shall appear to be most advantageous and best for the city, taking into account the capacity of pumping engines and machinery, to perform the greatest amount of service with a given quantity of fuel, and require security that the pumping engines and machinery shall perform the service represented for at least one year, and the city reserves the right to reject any or all bids.



## CHAPTER X.\*

## ON SEWERAGE.

SECTION 1. It shall be lawful for the common council to cause sewers and drains to be made in any part of the city, and to order and direct the construction of either of the same, and to alter, repair or mend any sewer or drain heretofore or hereafter constructed within said city, and in the manner herein-after provided, to cause to be made estimates of the cost and expense thereof, and a just and equitable assessment of such costs and expense among the owners of all the buildings, houses and lots intended to be benefited thereby in proportion, all things considered, as nearly as may be, to the advantage which each shall be deemed to acquire thereby. One-half of such costs and expense to be so assessed on the basis of the full area of the lots or pieces of land to be benefited, excepting as hereinafter provided.

SECTION 2. Whenever the common council shall deem it necessary for the public health to cause to be constructed sewers or drains in any portion of the city, they shall make an order to that effect, which shall be entered in their minutes, specifying with reasonably particularity the specific portions to be sewered or drained; which order shall be published in the official paper of the city, daily for seven successive publications of the paper, and all parties interested, who shall appear, shall have a hearing before the common council at such time as shall be appointed in said notice.

SECTION 3. If, after such hearing the common council shall determine to proceed therein, it shall thereupon direct the city surveyor or engineer or other competent engineer, to make or cause to be made the necessary surveys, plan and specifications of the work so ordered, which work he shall make conformable,

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\*Section 14 of chapter 195, Laws of 1885, amending chapter 36 of the Laws of 1882, by inserting the sections contained in said section 14, as chapter X, and by numbering chapters X and XI as chapters XI and XII, respectively.



as near as practicable, to a general system of sewerage for the city and into which when so requested by the owners and so directed by the council, he shall incorporate as a part thereof any existing sewer or drain, so far as the same is or judiciously can be made applicable thereto. Such surveys, plans and specifications shall include the entire district or tract of country designated in the order of the common council, and such other property, if any, as shall by him be deemed to be benefited thereby, and such plan shall show the location, size, direction and grade of such sewers or drains, with the location and size of openings and all other matters essential to the construction of proper sewers or drains, together with the boundary lines of such district, so modified and the number of each lot or piece of real estate therein, and as far as can be ascertained, the names of the owners thereof, respectively, which plan and specification shall be drawn with such particularity and certainty as to form a correct and intelligent basis for estimates of costs for the work so ordered and for the assessment hereinafter provided for.

SECTION 4. Such plan and specifications shall be filed by such surveyor or engineer in the office of the city clerk, and notice of such filing shall forthwith be given by such clerk in the official paper of the city and be published daily for seven successive publications of such paper. After such filing and notice, the common council may, after hearing all persons interested who may appear before them, adopt or reject such plan and specifications; and in case the same shall be adopted, the common council shall thereupon advertise in the official paper of the city for proposals for doing the aforesaid work, daily, for seven successive publications of such paper, which proposals shall be opened by the common council at their next regular meeting after such advertisement, or at a special meeting to be called therefor, and in case it shall then be finally determined that the work of any part thereof shall be made, the common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the buildings, houses and lots to be benefited as aforesaid, all bids for doing the same to be approved by the council, and the said council shall have the power to reject any or all bids, and may require such contractors to perform such contracts within such time and under such conditions, and to

give such security for the performance of such work as it shall direct; such contracts, when approved by the council, to be executed by the mayor and countersigned by the city clerk. The work shall all be done under the direction and supervision of the engineer aforesaid.

SECTION 5. Thereupon an estimate of the entire cost and expense of the work, including the contract price, titles to or easements in lands necessary for the purposes of such improvement, and the cost and expenses of the proceedings necessary to the laying out of such sewer or drain shall forthwith be made; and forthwith such estimated cost and expenses shall be assessed, justly and equitably, upon the buildings, houses and lots intended to be benefited thereby, appearing in said plan as finally perfected, in proportion, all things considered, as nearly as may be, to the advantage which each shall be deemed to acquire; one-half of such cost and expense, however, is to be so assessed on the basis of the full area of the lots or pieces of land to be benefited, excepting that where existing sewers are utilized, such assessments shall be made just and equitable, all things considered. Should the amount so assessed prove to be more than sufficient, the excess shall be applied to the payment of the the taxes (assessed against such buildings, houses and lots, or pieces of land ratably) falling due next after such excess shall have been ascertained. If the estimated sum shall prove insufficient, the deficiency, when ascertained, shall be re-assessed upon the buildings, houses and lots, or pieces of land of such district ratably, as aforesaid. Such estimate and assessment shall be certified in writing, and being confirmed as hereinafter provided, shall be binding and conclusive upon the owners of such buildings, houses and lots, or pieces of land, so to be assessed, respectively and shall be a lien or charge upon such buildings, houses and lots or pieces of land, as aforesaid, and the sum so assessed when paid, shall be applied to the payment of the cost and expense as aforesaid, and in case of re-assessment for deficiency, the same shall in like manner be certified, and when confirmed, shall be binding, and conclusive upon the owners of such property, so to be assessed, and shall be a like lien and charge on such property, and the sum so assessed when paid, shall be applied in the same manner. The contractors for the construc-



tion of sewers aforesaid, shall receive in payment for the work done by them, the price agreed to be paid therefor, exclusively from said assessments and re-assessments so to be made, when collected. The city treasurer, unless other appointment be made by the council, shall be the person to receive such assessments.

SECTION 6. The city surveyor or engineer, the city assessor, and three skillful and competent disinterested freeholders of said city to be nominated by the mayor and confirmed by the council, shall constitute a board to be known as the "board of assessors" and who shall be charged with the duty of making the estimates, assessments and re-assessments required by this act for the construction of sewers or drains, or amending, repairing, or altering the same. Whenever the construction of a sewer or drain shall be determined upon by the council, it shall be the duty of the mayor to nominate suitable persons to the council for confirmation as assessors. The assessors so nominated and confirmed to be designated for their respective terms, shall hold their offices one for the term of one year, one for the term of two years, and one for the term of three years, each from the first Saturday of October of the year in which they are appointed, and until their respective successors are appointed. It shall be the duty of the mayor on the termination of the terms of offices of the respective assessors aforesaid to nominate to the council for confirmation their successors to hold for the term of three years thereafter, and until their successors be appointed. In case any member of the said board of assessors shall be interested in any property to be affected by any proceeding under this chapter, he shall thereby be disqualified from serving upon such board in such particular proceeding. In such case other persons in like manner shall be nominated and confirmed to act temporarily in such proceeding. In case any of the permanent members of said board shall refuse to serve, or be removed by the common council for any cause deemed by them sufficient, then other such disinterested freeholders, to fill the vacancies so occasioned, shall be nominated by the mayor and confirmed by the common council. The said persons constituting the said board of assessors, before entering upon the performance of the duties of their appointment in each of the proceedings under this chapter, shall severally take and subscribe an oath or affirmation before the



city clerk, or some other person authorized by law to administer oaths, that they are not interested in any property to be affected by such proceeding, and that they will faithfully perform the trust and duties required of them by law, which oath or affirmation shall be filed in the office of the city clerk.

SECTION 7. It shall, and may be lawful for the common council, in all cases where they may deem it necessary for the more speedy execution of, with reference to sewers or drains, or any of them which the said council are authorized to make, to cause all such work as may be necessary for the purposes specified in this chapter, or any part thereof, to be executed and done at the city's expense, on account of the property respectively, upon which the same may be assessed. The amount of every such expense which the common council shall pay, as aforesaid, on account of others, shall be a lien like other taxes upon the buildings, houses and lots in respect to which such assessments as aforesaid shall have been made, and shall bear lawful interest until paid, and the same may be recovered, or the payment thereof, with costs enforced like other taxes, upon the said buildings, houses and lots, which may be sold for any such assessment thereon. Any person may pay to the city treasurer, such sum as may be assessed against any property under and by virtue of this chapter and receive a receipt therefor, and such a receipt shall operate as a discharge of any and all liens existing against such property or any part thereof in consequence of such assessment.

SECTION 8. The said board of assessors after completing their said estimate and assessment, shall deposit with the clerk of said city an abstract of their estimate and assessment, or a copy of their full report, at least twenty days before such report shall be presented to the common council for confirmation, which abstract shall be accompanied by a copy of the diagram referred to by said assessors in their report, and in which diagram and report they may refer to the lots thereon and thereby indicated by their numbers, and state the several sums respectively estimated for, or assessed upon each of said lots or parcels of land, with the name or names of the owners of each so far as ascertained by said assessors. Upon depositing their abstract of estimate and assessment or copy of report as aforesaid the said

board of assessors shall cause to be published daily in the official paper of said city for seven successive publications a notice stating that such abstract or copy of report has been so deposited with the city clerk, and their intention to present their report for confirmation to the council at a time and place to be specified in said notice, and that all persons interested in such proceedings, or in any of the lots or lands affected thereby, having objections thereto, shall file the same in writing with the said assessors within twelve days after the first publication of said notice, and that the said assessors will hear such objections within the five days next after the expiration of said twelve days specifying therein the place, day, and hour of such hearing.

SECTION 9. Any person or persons whose rights may be affected by the said estimate and assessment, and who shall object to the same or any part thereof, may, within twelve days after the first publication of said notice, state his, her or their objections, so made, in writing to the said assessors, which statement shall not be received by the assessors unless verified by his, her or their affidavit, or the affidavit of other persons, or both, and it shall be the duty of said assessors in all cases to transmit to the common council, together with their said report, all the written statements and affidavits which may have been served upon them within the time aforesaid. After considering said objections, if any, and making any correction or alteration of their estimate or assessment, which said assessor shall find to be just and proper, they shall prepare duplicate copies thereof, one of which shall be deposited with the clerk of said city at least three days before the time specified in said notice for presenting the report to the common council for confirmation, and shall be open to the inspection of all persons interested therein free of charge, and the other of which shall be presented by the said assessors to the common council at the time and place specified in said notice.

SECTION 10. The said report shall consist of said diagram duly corrected, when necessary, with a tabular abstract of said estimate and assessment, with any corrections or alterations thereof by said assessor, and shall refer to the numbers of lots and parcels as indicated by said diagram, and state the several sums respectively estimated for or assessed upon each of said



lots or parcels with the name or names of the owner of each, if ascertained by said assessors. It shall not be necessary in said report to describe any of the said lots or parcels by metes and bounds but only by reference to said diagram.

SECTION 11. On the presentation of said report, prepared by said assessors the common council after hearing any matter that may be alleged against the same, may either confirm the said report or refer the same to the assessors for revisal and correction or to new assessors to be appointed, as aforesaid, to reconsider the subject matter thereof, and the said assessors to whom the report shall be so referred, shall return the same report corrected and revised or a new report, to be made by them in the premises, to the common council, without unnecessary delay, and the same on being so returned shall be confirmed, or again referred by the said common council in manner aforesaid, as right and justice shall require; and so from time to time until a report shall be made or returned in the premises which the said common council shall confirm. In case any one or more of the persons affected thereby shall be dissatisfied with the said report so confirmed by the common council, he may within ten days after such confirmation appeal therefrom to the circuit court for the county of Dane, by serving a notice of such appeal on the city clerk, stating the portions of such report from which he appeals and his reasons therefor, together with an undertaking with two sufficient sureties to be approved by the city clerk, conditioned for the faithful prosecution of such appeal, and the payment of all costs and expenses which shall be adjudged against the appellant by the court. In case of several such appeals all shall be heard at once. It shall be competent for said court on such appeals to enter an order for trial, stating distinctly and plainly the questions of fact to be tried, whereupon the same shall be tried in the usual manner or to refer the said report for examination, adjustment and report, to three or more assessors to be by the court appointed with instructions as to the rules governing their action all as in its opinion justice shall require. When such report shall be confirmed by the common council from which no appeal be taken, or be confirmed by the circuit court after appeal taken, the same shall be final and conclusive as well upon the said city as upon the owners, parties and per-



sons interested in the lands mentioned in the said report, and also upon all other persons whomsoever. In case any one or more of the parties appealing to the circuit court, from the confirmation of the report made by the common council shall **not** succeed upon his appeal, the costs and expenses of such appeal and of the reference rendered thereby necessary to be determined, and in case of more than one appeal to be apportioned by the said court, shall be paid by such unsuccessful appellant or appellants. The work of constructing any sewer or drain under the provisions of this chapter may be undertaken on or at any time after the confirmation by the common council, of the report of the board of assessors whether therefrom appeal be taken or not.

SECTION 12. The said assessors while actually engaged in the discharge of their said duties, may be allowed by the common council such compensation not exceeding three dollars for each day's actual work as the common council shall deem proper and for such necessary expenses attending the discharge of their duties, including the employment of competent assistants when necessary at no greater per diem as in the opinion of the common council shall be proper. All such expenses, together with the costs and expenses incurred in re-reference to the assessors and on appeals when not chargeable to the appellants, shall be included in the said estimate as a part of the cost of the work.

SECTION 13. It shall also be lawful for the common council to cause such portion of the estimated cost of the construction, altering or amending of sewers or drains as aforesaid, or any of them, as it shall designate, to be borne by the city, and the balance to be assessed upon the buildings, houses and lots indicated to be benefited thereby as it shall deem proper.

## CHAPTER XI.\*

## MUNICIPAL COURT—JURISDICTION.

SECTION 1. In addition to the powers and jurisdiction heretofore conferred by law in criminal matters upon the municipal court, the said municipal court of Dane county, and the judge thereof, shall be vested with exclusive jurisdiction to hear, try and determine all complaints, and conduct all examinations in criminal cases instituted or arising within the city, and with exclusive jurisdiction to hear, try and determine all complaints or prosecutions for offenses against the charter or any of the by-laws or ordinances of the city of Madison, and with all criminal jurisdiction heretofore conferred by law upon the police court of the city of Madison or the municipal court of Dane county, and with exclusive jurisdiction to hear, try and determine all civil actions to which the city shall be a party and which would otherwise be cognizable before justices of the peace, and no justice of the peace in said city shall exercise any jurisdiction conferred upon the municipal court by this act.

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\*Originally chapter X of chapter 36, Laws of 1882, amended to read chapter XI, by section 14 of chapter 195, Laws of 1885.

Laws and statutes relating to the municipal court.

Secs. 2515—2523, R. S. 1898.

Chapter 107, Laws of 1873, constituting the police court of the city of Madison, the municipal court of the city of Madison; chapter 22, Laws of 1874, amending chapter 107, Laws of 1873, and constituting the municipal court of the city of Madison, the municipal court for the city of Madison and the county of Dane; chapter 136, Laws of 1875, amending chapter 22, Laws of 1874; chapter 27, Laws of 1880, amending section 2523, R. S. of 1878; chapter 463, Laws of 1889, amending section 2523, R. S. of 1878, as amended by chapter 27, Laws of 1880; chapter 366, Laws of 1891; chapter 49, Laws of 1901, amending sections 2515 to 2522, inclusive, R. S. of Wisconsin, 1898.

## SALARY OF JUDGE—EXPENSES OF COURT, ETC.

SECTION 2. The city of Madison shall quarter yearly, on the first day of August, November, February and May, in each year, pay to the judge of said court the portion of his salary to be paid by said city, as provided by chapter twenty-seven of the general laws of A. D. 1880, and shall provide the necessary record books, blanks, stationery, lights and fuel for said court, as provided in section two thousand five hundred and nineteen of the revised statutes, for one-half of which expense the said city shall be reimbursed by the county of Dane, as provided in section two thousand five hundred and twenty of the revised statutes.\*

## CHAPTER XII.†

## MISCELLANEOUS PROVISIONS—PROPERTY AND RIGHTS OF VILLAGE MERGED IN CITY.

SECTION 1. The city of Madison shall be and is hereby invested as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporation of the village of Madison, together with all the funds, revenues, debts and demands due and owing to the said village of Madison, as a corporate body, which, by or under former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner belonging to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said village or city of Madison may be con-

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\*See chapter 463, Laws of 1889, providing for the fixing of a salary for the clerk of municipal court.

Chapter 463, Laws of 1889, affected by section 2 of chapter 366, Laws of 1891.

†Originally chap. XI of chap. 36, Laws of 1882, amended to read chapter XII by section 14 of chapter 195, Laws of 1885.



tinued, prosecuted, defended and completed in the same manner as if this act had not passed.

BOARD OF EDUCATION.

SECTION 2. The common schools of the city of Madison shall be under the supervision and control of the board of education, as provided by chapter 295 of the general laws of 1861, and the acts amendatory thereof; provided, that said board of education of said city is hereby authorized, if it deems it advisable, to direct one or more of the teachers in the common schools in said city to instruct such of their pupils as wish it, in one or more of the modern languages, besides the English, but in such a manner that none of said scholars shall devote more than one-fourth of their time in school to any other than English language and studies. The mayor shall ex-officio be a member of the board of education of the city of Madison, and as such shall have the same rights and privileges as other members of said board of education. The board of education shall annually, on the first day of September, and oftener if required, report in writing to the common council a full and detailed statement of the financial affairs and transactions of the board, for the year preceding, and of its wants and requirements for the ensuing year. The common council shall have power to levy a special tax to pay all outstanding valid claims against the board of education or such part thereof as it may deem proper, and the money arising from such tax shall be applied to no other purpose whatever. Money shall be paid from the treasury of the board, on future appropriations only, on certificate of its president and clerk, and no order on the treasury, nor other evidence of debt, shall hereafter be issued upon the allowance of claims.\*

ALL WORK TO BE LET TO LOWEST BIDDER.

SECTION 3. All work for the city or either ward thereof, unless performed by the city, shall be let by contract to the lowest

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\*As to the authority of board of education to borrow money of commissioners of public lands see chapter 410, Laws of 1887, p. 148.

See also secs, 258—260, R. S. 1898.

reasonable responsible bidder, and due notice shall be given of the time and place of letting such contract; provided, that the council, by a vote of two-thirds of all the members thereof, may otherwise provide for work.

#### ACTIONS TO RECOVER PENALTIES.

SECTION 4. All actions brought to recover any penalty or forfeiture under the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally for such penalty or forfeiture, stating the clause of this act, or by-laws or ordinances, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecution may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Madison against any person, company or corporation, such action may be commenced and prosecuted, in the name of the city, by any resident of said city; provided, that before any person other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs where the action shall fail may be recovered against the party commencing the same, upon the bond filed as aforesaid; provided, that nothing herein contained shall be so construed as to prevent any peace officer from arresting without process any person in a state of intoxication, or guilty of immoderate drinking, improper revelling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the municipal court or keeping them in confinement until such time as said court can reasonably hear and dispose of such offender.



## JUDGMENT TO BE ENTERED ON CONVICTION.

SECTION 5. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall render judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Dane county for a term not exceeding three months and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be that the defendant shall be imprisoned in the county jail, the court may in its discretion enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law.

## NOT TO WORK INCOMPETENCY.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

## FAILURE OF ELECTION NOT TO SUSPEND CORPORATION.

SECTION 7. If any election by the people or common council shall not for any cause be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending, or abolishing said corporation, but such election may be held on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at any time specified and the same are not done and performed, the common council may appoint another time, at which said acts may be done or performed.

## HOW PROCESS SERVED AGAINST CITY.

SECTION 8. Whenever any suit or action shall be commenced against said city, the service thereof may be made



by leaving a copy of the process with the mayor and city clerk, and it shall be the duty of the mayor forthwith to inform the common council thereof or to take such other proceedings as the ordinance and resolutions of said council may provide.

#### CITY MAY HOLD PROPERTY.

SECTION 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

#### GENERAL LAW NOT TO MODIFY THIS ACT.

SECTION 10. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

#### TRANSFER OF DUTIES.

SECTION 11. From and after the second Monday of March, A. D. 1856, the connection between the town of Madison and that part of said town included within the city limits for all town purposes shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Madison, shall be performed by the aldermen of the wards and other officers of said city.

#### MISDEMEANORS OF CITY OFFICERS AND THEIR PUNISHMENT.

SECTION 12. Every member of the common council of the city of Madison, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any other purpose whatever, in the violation of the city charter or of any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspector of elections, member of the board of registry, and as member of the board of equalization; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said

council, or other city officer, who shall, directly or indirectly, purchase or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the municipal court, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

#### PAUPERS—HOW PROVIDED FOR.

SECTION 13. The paupers of said city shall be removed to the poor house of the county of Dane by order of the mayor or aldermen, in like manner as they are removed from the several towns in said county; provided, that if, by reason of contagious or infectious disease or for any other reason, such pauper cannot be so removed to the county poor house without danger to the public health or the health of such pauper, the city of Madison shall care for such pauper until such time as he may be so removed, and the expense of such care so incurred shall be chargeable to and paid from the poor fund of Dane county.

#### LICENSES—HOW ISSUED.

SECTION 14. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk until the person applying for the same shall have deposited with said clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, malt or vinous liquors until the applicant shall have filed his receipt as aforesaid, together with a bond as required by the laws of this state, which bond shall be approved by the mayor, and a sum not less than the minimum sum nor greater than the maximum sum fixed by the laws of this state to be paid by such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council at each regular meeting thereof, the licenses



theretofore issued by them and not before reported, and the council shall by vote approve or disapprove the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time such license was in force.

#### DUTIES OF THE TREASURER AS TO DELINQUENT LANDS.

SECTION 15. The treasurer of the city of Madison shall perform all the duties and do all the acts required by law to be done by the treasurer of the village of Madison, in relation to the redemption and deeding of lands heretofore sold for the non-payment of taxes in said village, and every certificate of redemption or tax deed made out and executed by the said city treasurer, shall have the same force and legal effect as if this act had not been passed and such certificate or deed had been made out and executed by said village treasurer. And the treasurer of the city of Madison is hereby authorized, in making any deed for lots or lands heretofore sold by the treasurer of the village of Madison for the non-payment of taxes in said village, to make the same in the name of the city of Madison, and every deed so made and executed by the city treasurer shall be received in all courts of this state as *prima facie* evidence that all the proceedings relating to or affecting the tax for which such lots or lands were sold, from the assessment to the making of such deed inclusive, were regular, correct and performed according to law; and no other act shall be required of said city treasurer in relation to lots so sold, except the making and acknowledging of such deed as aforesaid, except issuing certificates of redemption from such lots as may be redeemed.

#### WHERE OFFENDERS TO BE IMPRISONED.

SECTION 16. The use of the jail of Dane county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and de-



livery the said sheriff shall be responsible as in other cases ; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation of said city, but such expenses shall be paid by the city.

PRIVATE PROPERTY NOT LIABLE FOR CITY DEBT.

SECTION 17. No real or personal property of any inhabitant of said city or town, or individual or corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

HOW EXECUTION AGAINST CITY TO BE ISSUED.

SECTION 18. When a judgment shall be recovered against said city or any ward thereof, or against any officer of said city in any action prosecuted by or against him, in his name of office, where the same should be paid by the city or any ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided ; but the same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected shall be paid by the city treasurer to the person to whom the same shall be adjudged upon the delivery of a proper voucher therefor ; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution, on special application therefor.

COUPONS ON BONDS RECEIVABLE FOR TAXES.

SECTION 19. The interest coupons on any of the outstanding bonds of the city of Madison shall be receivable for city taxes. And it is hereby made the duty of the city treasurer to deliver to the common council, at its first regular meeting in the month of March in each year, all coupons received by him for taxes, and he thereupon shall be credited with the amount thereof ; and said coupons shall be canceled in the presence of the common council, and deposited in the city clerk's office, and the common

council shall, at said meeting, appropriate sufficient money from the portion of the tax raised for the payment of the interest and principal of the bonded indebtedness of the city, to pay all coupons falling due on the first day of April thereafter, and cause the same to be placed where said bonds and coupons are made payable, before the first day of April in each year; and if at the said meeting it shall be ascertained that sufficient money has not been collected from said tax to pay all the coupons maturing on the first day of April next thereafter, the common council shall appropriate sufficient to pay such deficiency from the general fund; and all money collected after such appropriation, upon such special tax, shall be placed in the general fund belonging to said city, until the general fund is reimbursed for the amount so paid for interest.

#### APPLICATION OF THIS ACT TO CITY OFFICERS, ETC.

SECTION 20. No member of the council shall be elected or appointed to any office, agency or place of public trust or profit by the council except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof.

#### OF PARDONS—OF FINES.

SECTION 21. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such action to the council at its next meeting, with the reasons therefor. All fines imposed by the municipal court of Dane county, for violation of this act, or ordinances, by-laws or regulations made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September in each year the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecutions in the city during the same period.



## REMOVAL FROM OFFICE.

SECTION 22. The common council shall have power, and it shall be its duty, to remove from office any policeman for incompetency, misconduct or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

## PUNISHMENT FOR DRUNKENNESS, ETC.

SECTION 23. Any person who shall be guilty of drunkenness, or of immoderate drinking, improper reveling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places of the city of Madison, shall be deemed to be guilty of a misdemeanor, and on conviction thereof before the municipal court of Dane county, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Dane county for a term of not less than two days nor more than three months.

## OF COMPLAINTS FOR OFFENSES.

SECTION 24. Whenever any complaint is made to the municipal court of Dane county by any police officer, sheriff, policeman, or other person, that any offense has been committed within the said city, against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances by fine, penalty or imprisonment, the said municipal judge, or the clerk of said municipal court, shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said municipal judge or the clerk of said municipal court shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such municipal court, to be dealt with according to law. All the laws of this state relating to the manner of conducting criminal actions before justices' courts shall be applicable to all trials before the municipal court under this act so far as the same do not conflict with the provisions of this act.



## PURCHASE OF CITY BONDS.

SECTION 25. The common council is hereby authorized and empowered to purchase outstanding bonds of the city of Madison from the surplus accumulations of the sinking fund after providing for the payment of interest, if such purchases can be made advantageously to the interests of the city.

## OF SALARIES.

SECTION 26. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section 12 of this chapter.

## ASSIGNMENT OF LICENSE.

SECTION 27. No assignee of any license shall be permitted to pursue the occupation or business licensed, except upon the same premises where the business was conducted by the original holder of said license.

## REPEALED.

SECTION 28. An act entitled "an act to consolidate and amend an act to incorporate the city of Madison and the several other acts amendatory thereof," approved March 16, 1880, being chapter 322 of the laws of 1880, and the several acts amendatory thereof, and all acts relating to the corporation of the city of Madison not retained in this act, are hereby repealed.

## PUBLIC ACT.

SECTION 29. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved March 2, 1882.

## **PARTS OF GENERAL CHARTER ADOPTED BY THE CITY OF MADISON.**

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Sections 925—127, 128 and 129 of chapter 40(a), R. S. of 1898, adopted March 15, 1901, by ordinance No. 1238.

**Deposit of funds.** SECTION 925—127. The council may designate by resolution the bank or banks where the money belonging to the city shall be deposited, and the security, to be approved by the mayor and comptroller, to be given by such bank or banks, and when the money is so deposited the treasurer and his bondsmen shall not be liable for the loss thereof by reason of the failure of such bank or banks, and the interest arising therefrom shall be paid into the treasury; provided, such money shall not be deposited in any bank without this state.

**Interest.** SECTION 925—128. The council may contract with a bank receiving the city deposits for the payment of interest thereon.

**Deposits, how drawn upon.** SECTION 925—129. The council may so provide that all moneys in the hands of the treasurer at the end of each month, not exceeding a sum to be specified, shall be deposited in the bank or banks selected for that purpose in a special account, and no money shall be drawn from said account except on a check or order signed by the treasurer and countersigned by the comptroller. Whenever the balance in the general account falls below such specified sum the comptroller may countersign a check for a sufficient amount to increase the balance in such account to such specified sum. No change in

this regard shall be made in any year, after the treasurer shall have filed his bond, which will increase the liability of the bondsmen; provided, that the city treasurer of all cities of the first class may keep on hand in the treasury, in addition to the amount deposited in banks, ten thousand dollars, and said amounts may be maintained by the treasurer and comptroller by the issuance of checks upon any bank depository of said city.

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Sections 925—172 to 197(a) inclusive of chapter 40(a), R. S. of 1898, adopted March 15, 1901, by ordinance No. 1237.

#### CHAPTER 18—CITY IMPROVEMENTS.

**Grade of streets; damages.** SECTION 925—172. The council shall have authority to establish the grade of all streets and alleys in the city, and to change and re-establish the same as it may deem expedient; provided, that whenever it shall change or alter the permanently established grade of any street any person thereby sustaining damages to his property on such street shall have a right to recover such damages in the manner set forth in this sub-chapter.

**Record of grade.** SECTION 925—173. The grade of all streets shall be established and described, and the adoption of such grades and all alterations thereof shall be recorded by the city clerk. No street shall be worked until the grade thereof is established and recorded in the manner herein set forth.

**Streets and sidewalks.** SECTION 925—174. The streets shall be divided into a carriage way and a sidewalk on each side thereof; the sidewalk shall be for the use of persons on foot, and no person shall be allowed to incumber the same with boxes or other material; but such sidewalk shall be kept clear for the uses specified herein.



**Opening, paving and grading streets, etc.** SECTION 925—175. The city may cause streets and alleys to be opened, leveled, graded, regraded, graveled, regradeled, macadamized, paved and repaved with stone, wood or other material or improved in any other manner, and may cause such streets and alleys to be swept, sprinkled and cleaned; but no street shall be graded, graveled, paved, macadamized or improved, where the expense exceeds five hundred dollars, except upon the vote of two-thirds of the members of the council elect. The expense of such work or improvement may be paid in whole or in part by the city or by the property to be benefited thereby as the council shall direct, but in no case shall the amount assessed to any parcel of real estate exceed the benefit accruing thereto by such improvement, except in case of sidewalks; provided, that where work is ordered to be done and the expense thereof is made chargeable to particular property the city shall in no case be responsible for the payment therefor except in cases where the cost of the improvement exceeds the benefits.

See chap. 77, Laws of 1903, relating to the improvement of portions of streets for park purposes.

**Improvements upon petition.** SECTION 925—176. In any city whenever the owners of more than one-half of the frontage of the lots upon that part of any street proposed to be improved shall petition the common council to improve such street or part of street by stone paving, macadam or otherwise as set forth, to be made in such manner as shall be fully specified by the city surveyor and approved by the mayor, and upon advertisement setting forth clearly such specifications, such city may contract for such work to be done by the lowest responsible bidder if deemed reasonable in cost, or in case of macadam it may have the work done by men in the employ of the city; provided, that such improvement, unless made to connect with streets somewhat similarly improved, shall be made to extend upon such street not less than the length or width of three blocks of lots and the street crossings between. The cost of such improvement when made shall be assessed to the respective owners of the lots fronting on such street in the ratio of each owner's number of

feet front to the entire length of such improvement, exclusive of street crossings, which shall be chargeable to the city as its proportion of expense, and such crossings shall be made to conform with the street so improved. The word street as herein used may be construed to mean two or more streets when the whole taken together would form one continuous drive.

Chap. 108, Laws of 1903, amending section 925—176, and adding a new section, 925—176a, omitted, said chapter being applicable to cities of the fourth class.

**Crosswalks, expense of.** SECTION 925—177. The expense of all crosswalks at the intersection of streets or alleys and across public grounds shall be paid by the city at large or the proper ward. The expense of maintenance, relaying, keeping in repair and cleaning of streets, in all cases where the streets shall have been constructed to the established grade and graveled, planked, macadamized or paved as required by the council, shall be paid out of the general fund of the city or the ward fund of the proper ward.

**Damages for change of grade.** SECTION 925—178. Before the council shall change or alter any established grade or order any work to be done on any street at the expense of the real estate to be benefited thereby, it shall order the board of public works or if there be no such board, the officer or officers designated to discharge its duties, to view the premises and determine the damages and benefits which will accrue to each parcel of real estate by such change or alteration of grade; the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of real estate thereby, and the amount that should be assessed under the provisions of this sub-chapter to each parcel of such real estate as benefits accruing thereto by such contemplated work or improvement.

See chapter 77, Laws of 1903, relating to assessment of damages and benefits.



**Report.** SECTION 925—179. Said board shall make and file in their office a report showing their determination on the questions required to be considered by them under the provisions of the preceding section.

**Notice of assessment of damages; final report.** SECTION 925—180. Notice shall be given by the board of public works, by publication in the official newspaper of the city at least once in each week for two successive weeks, that such report is open for review at their office and will be so continued for the space of twenty days after the date of such notice, and that on a day named therein, which shall be not more than three days after the expiration of said twenty days, said board will be in session to hear all objections that may be made to such report. No irregularity in the form of such report nor of said notice shall affect its validity if it fairly contains the information required to be conveyed thereby. At the time specified for hearing objections to said report said board shall hear all parties interested who may appear for that purpose, reduce to writing all objections that may be made and all evidence that may be offered to sustain the same, and may review, modify and correct said report as they deem just; and thereupon a complete and final report shall be made and filed by said board with the city clerk, together with all objections and evidence taken before them to sustain the same, and proof of publication of said notice; but no irregularity in the form of said report or manner of conducting the proceedings by said board shall affect the legality of said report. At such hearing any member of the board may administer such oaths as may be necessary in conducting it.

**Action on report.** SECTION 925—181. The city clerk shall publish a notice in the official paper at least once that the said report is on file in his office and that the common council will, at a meeting to be held at the time stated in the notice, consider the said report and hear all objections which may be made thereto, and determine what portion of the cost of the improvement, if any, shall be paid by the city at large. At least one week shall intervene between the first publication of such notice and the said meeting. The council may at such meeting, or at an ad-



journe'd meeting, confirm or correct such report or refer it back to the board for further consideration.

**Assessment of benefits.** SECTION 925—182. Subject to the limitations hereinbefore mentioned the council may determine the amount to be paid by the real estate as benefits on account of the improvement of a street and the amount that shall be paid by the city at large, or the ward fund of the wards in which said improvement is made.

**Notice of final determination.** SECTION 925—183. When a final determination shall have been reached by the council the city clerk shall publish notice in the official paper of the city once in each week for two successive weeks that a final determination has been made as to the damages that will accrue to the real estate in case of the charge of an established grade, or the benefits and damages to be assessed to the real estate in case of a proposed improvement.

**Remedy of land-owner.** SECTION 925—184. If the owner of any parcel of land mentioned in said notice feels himself aggrieved by reason of the determination made by the council he may, within twenty days after the date of such determination, appeal therefrom to the circuit court, and such appeal shall be taken, tried and determined and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this chapter; provided, that in case any contract shall have been made for making the improvements said appeal shall not affect said contract, but a certificate against the lot in question for the amount of benefits assessed to such lot shall be issued notwithstanding such appeal; and in case the appellant shall succeed the difference between the amount charged in the certificate so issued and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate shall be paid by the city at large or out of the ward fund as the council may direct.

**Remedy exclusive.** SECTION 925—185. The appeal given by the last section from the report of the board of public works

as confirmed by the council shall be the only remedy of the owner of any parcel of land or of any person interested therein affected by said improvement for the redress of any grievance he may have by reason of the making of such improvement or of the change of any established grade covered by said report.

**Bids, advertisement for; contract.** SECTION 925—186. When any of the works before mentioned shall have been ordered to be done and the plans for the same, containing a description of the work, the materials to be used and such other matters as will give an intelligent idea of the work required, shall have been filed with the city clerk, where the same can be inspected by persons desiring to bid on such work, the board of public works shall advertise in the official paper of the city for bids for doing such work for such length of time as it may think the interest of the city demands, not less than once a week for four successive weeks. The board shall prepare, or cause to be prepared, a printed form for the contract, with sureties required, and furnish the same to all persons desiring to bid, and shall not consider any bid unless accompanied by a contract with sureties as prescribed by the form so furnished, completed, with the exception of the signatures on the part of the city. The notice published shall inform bidders fully of this requirement. No special assessment or certificate thereof or tax-sale certificate based thereon shall be held to be invalid for the reason than any contract which has been heretofore or may hereafter be let contains, on the part of the contractor, a guaranty or any provision to keep the work done under such contract in good order or repair for a limited number of years when such guaranty or provision was inserted therein for the purpose of insuring the proper performance of such work in the first instance. All such provisions in contracts for doing public work, inserted for the purpose aforesaid, are hereby legalized, and all such provisions shall be deemed *prima facie* to have been inserted for that purpose, unless the time during which the contractor is required to keep the work in good order or repair shall exceed five years.

**Rejection of bids.** SECTION 925—187. The board of public works shall have power to reject any and all bids if, in their



opinion, any combination has been entered into to prevent free competition; otherwise the contract shall be let as prescribed in the sub-chapter entitled "Board of public works."

**Certificate to contractor.** SECTION 925—188. Whenever any work has been done under contract as provided in this sub-chapter and the same shall have been approved by the board of public works, the contractor shall be entitled to a certificate therefor as to each parcel of land against which benefits shall have been assessed for the amount chargeable thereto. Said certificate shall be in such form as the board may prescribe. The amount chargeable to the city shall be paid as the contract for the work may provide.

**Conclusiveness of certificate; payment of.** SECTION 925—189. After the expiration of nine months from the date of said certificate the same shall be conclusive evidence of the legality of all proceedings up to and inclusive of the issue thereof, and it may be transferred by indorsement; provided, however, that this shall not affect any appeal from the report of the board of public works as confirmed by the council. If said certificates are not paid before the making out of the next roll tax the same may be filed with the comptroller in cities of the first class and with the city clerk in all other cities, and when so filed the comptroller's statement of special assessments to be placed in the next tax roll shall include an amount sufficient to pay said certificates, with interest thereon at the legal rate from the date of such certificates to the time when the city treasurer is required to make return of delinquent taxes, and thereafter the same proceedings shall be had as in case of other taxes, except that all moneys collected by the city treasurer and all moneys collected by the county treasurer on account of such taxes, and all the tax certificates issued to the county on the sale of the property for such tax, if the same is returned delinquent, shall be delivered to the owner of the same on demand.

**Payment for work.** SECTION 925—190. When a contract is let for doing any work specified herein, and such work is chargeable to the real estate to be benefited, it may provide that the



amount so chargeable may be paid with certificates against the lots or in special improvement bonds, or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash and part in special improvement bonds or the proceeds thereof.

**Notice concerning bonds.** SECTION 925—191. As soon as the amount chargeable to the real estate is finally determined the council may cause a notice to be published in the official paper substantially in the following form :

CITY IMPROVEMENT NOTICE.

Notice is hereby given that a contract has been (or is about to be) let for.....(describe the work and street) and that the expense of said improvement chargeable to the real estate has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable only to the real estate to pay the special assessments, and such bonds will be issued covering all of said assessments except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments or a part thereof on their property, describing the same, on presentation of the certificates.

**Issue and execution of bonds.** SECTION 925—192. After the expiration of said thirty days the council may issue special improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as provided in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that they are chargeable only to particular property, specifying the same, and the number and amount of said bonds, and such other provisions as the council shall think proper to insert; such bonds shall in no event be a general city liability.

**Terms and sale of bonds.** SECTION 925—193. (As amended by chapter 132, Laws of 1899.) Said bonds may be annual or semi-annual interest coupon bonds or registered bonds without interest coupons as the common council may direct, the total issue in each case shall be payable in annual installments for a period not exceeding ten years from the date of issue, and shall draw interest at a rate not exceeding six per cent. per annum, interest payable annually or semi-annually as the common council may direct; such bonds may be of such denomination as the common council shall determine and shall be sold at not less than par. The proceeds of the sale of such bonds shall be credited by the city treasurer to the special fund for the improvement of such street or streets, and may be paid to the contractor for such work when payment is due him and the council shall so direct, or the contractor may take such bonds as payment for work done with the permission of the council.

**Record of assessments.** SECTION 925—194. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued and record the same, together with a copy of said bonds, in his office.

**Payment of bonds.** SECTION 925—195. The city treasurer shall, out of the special fund hereby created for that purpose, pay the interest on and the principal of said bonds as the same become due, and charge the same to said fund.

**Collection of assessments—Redemption.** SECTION 925—196. In each year after the issuing of said bonds, until all of them are paid, when the tax roll for the year is prepared sufficient of the special assessment on each parcel of land covered by said bonds to pay the annual installment of the principal and the interest on the amount of said special assessment then unpaid shall be extended on the tax roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other city tax, and when collected the same shall be a special fund for the payment of such bonds and interest, and shall be used for no other purpose. Any bond holder or bond holders may redeem from any tax sale, as fully as if owners of the land, under section 1165.



**Limitation of actions.** SECTION 925—197. Every action or proceeding to avoid any of the special assessments or taxes levied pursuant to the same, or to restrain the levy of such taxes or the sale of lands for the non-payment of such taxes, shall be brought within nine months from the end of the period of thirty days limited by the city improvement notice provided for by section 925—191, and not thereafter. This limitation shall cure all defects in the proceedings, and defects of power on the part of the officers making the assessment, except in cases where the lands are not liable to the assessment, or the city has no power to make any such assessment, or the amount of the assessment has been paid or a redemption made.

**Foreclosure of bonds; procedure; lis pendens.** SECTION 925—197a. The special improvement bonds herein mentioned shall be a lien against all lots, parts of lots, or parcels of land against which special assessments have been made, which liens shall take precedence of all other claims or liens thereon, and when issued shall transfer to the holders thereof all the right, title and interest of such city in and to the assessment made on account of the improvement mentioned therein and the liens thereby created, with full power to enforce the collection thereof by foreclosure in the manner mortgages on real estate are foreclosed; but the time of redemption therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed as a part of the judgment roll in said action in lieu of the original thereof. If within ninety days after the commencement of the annual sale of land for taxes the amount to pay any installment of principle or interest shall not have been collected by the city, the owner or owners of at least one-third in par value of the bonds issued on any single improvement may proceed in his or their own names to collect the same by foreclosure thereof, and shall recover, in addition to the amount of said bonds and interest, all costs against the property of the party or parties in default; provided, however, that the owner of any property covered by such bonds, or the holder of a lien thereon or other person interested in the property may redeem the same at any time before judgment by paying to the county clerk the amount due against such property, together with ten per cent. additional



thereon, which shall be in full for all costs chargeable to such property in such action. Any number of the holders of such bonds for any single improvement may join as plaintiffs in any such action, and any number of the owners of or other persons interested in the property covered by the assessment upon which such bonds are issued and on which they are a lien may be joined as defendants in any such action; and in case more than one action of foreclosure shall be commenced upon the bonds issued on account of a single improvement such actions may be consolidated. Any holders of bonds for the same improvement who do not join as plaintiffs may be made defendants and their rights adjudicated in the action. Such bonds shall be equal liens upon the property for the assessments represented by them, without priority one over another, to the extent of the several assessments against the lots and parcels of land against which the special assessments shall have been made. Upon the commencement of any such action the plaintiff shall cause a notice thereof to be filed in the offices of the county clerk and county treasurer, designating the particular property affected by such foreclosure; and thereafter no redemption of any such property from such assessments shall be had without payment of all costs theretofore accrued in such action except as hereinbefore provided.

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#### ORDINANCE NO. 1312.

AN ORDINANCE to amend the charter of the city of Madison so as to authorize the regulation by the common council of the price of light furnished to the city and to the inhabitants thereof.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. Subdivision 34 of section 925—52 of chapter 40a of the revised statutes of Wisconsin for 1898, which subdivision reads as follows:

“34. To provide for lighting the streets, public grounds and

buildings with gas or otherwise, and for furnishing light to the inhabitants of such city upon such terms as may be provided by ordinance; and for such purpose may own and operate its own lighting plant, or contract by ordinance or otherwise with any person, persons, company or corporation for a term not exceeding ten years at one time, at such price, on such terms and subject to such limitations as may be prescribed by such ordinance or contract; provided, that the foregoing provision for furnishing light to the inhabitants shall not apply to cities of the first class," is hereby adopted as an amendment to the charter of the city of Madison.

SECTION 2. This ordinance shall take effect on and after its passage and publication.

Approved April 11, 1904.

J. W. GROVES,  
*Mayor.*

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 8th day of April, 1904.

O. S. NORSMAN,  
*City Clerk.*

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### ORDINANCE NO. 1313.

AN ORDINANCE to adopt subchapter XI of chapter 40a of the revised statutes of Wisconsin of 1898, being sub-sections 78 to 94, inclusive, of section 925 of said statutes, relating to the board of public works.

*The common council of the city of Madison do ordain:*

SECTION 1. That sub-chapter XI of section 40a of the revised statutes of Wisconsin of 1898, being sub-sections 78 to 94, inclusive, of section 925 of said statutes, relating to the board of public works, is hereby adopted as an amendment to the special charter of the city of Madison, said sub-chapter XI being as follows, to-wit:

## CHAPTER XI.—THE BOARD OF PUBLIC WORKS.

**Organization and terms.** SECTION 925—78. There shall be a department known as the board of public works to consist of three commissioners. In cities of the first and second classes the commissioners shall be appointed by the mayor and confirmed by the council at their first regular meeting or as soon thereafter as may be. The members of the first board shall hold their offices one, two and three years respectively, and thereafter for three years or until their successors are qualified. In all other cities the board shall consist of the city attorney, city comptroller and city engineer or surveyor; provided, that the council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons and provide for the election or appointment of the members thereof, or it may, by a like vote, dispense with such board, in which case its duties and powers shall be exercised by the council or a committee thereof, or by such officers or boards as the council shall designate.

**Officers.** SECTION 925—79. The members of the board of public works shall, on the first Tuesday in May of each year, choose a president of the board from their number, and in cities of the first class a secretary; and in other cities, the city clerk shall be the secretary of the board by virtue of his office.

**City engineer.** SECTION 925—80. In cities of the first class the mayor with the approval of the council shall appoint some competent person as engineer, whose term of office shall continue for one year and until his successor is qualified unless he shall be sooner removed for cause. The engineer shall keep his office in some convenient place to be designated by the council, and it shall be his duty to do all engineering work required by said council or the board of public works. He shall possess the same powers to make surveys and plats within the city as county surveyors; and like validity and effect shall be given to his acts and to all plats and surveys made by him as are or may be given to the acts, plats and surveys of county surveyors.



**Engineer's records and report.** SECTION 925—81. In cities of the first class the engineer shall keep on file in his office, and in all other cities in the office of the city clerk, a record of all his official acts and doings and also a copy of all plats of lots, blocks and sewers embraced within the city limits, all profiles of streets, alleys and sewers and of the grades thereof, and of all drafts and plans relating to bridges and harbors, and of any buildings belonging to the city; and shall at the same place keep a record of the location of all bench marks and permanent corner stakes from which subsequent surveys shall be started; which said records and document shall be the property of the city and open to the inspection of parties interested, and shall be delivered over by said engineer to his successor or to the board of public works. In cities of the first class on the last Tuesday in March of each year, and in all other cities whenever requested, the engineer shall make a report of all doings of his department to the board of public works.

**Compensation of board.** SECTION 925—82. The commissioners of public works in cities of the first class shall be each paid an annual salary to be fixed by the council before their appointment and at the time other salaries are fixed under this chapter; in all other cities the salaries of the attorney, comptroller and engineer respectively shall be in full for their services as members of such board.

**Oath and bond in cities of first class.** SECTION 925—83. In cities of the first class each member of the board of public works shall, before entering upon the duties of his office, take an oath of office and file the same in the office of the city clerk, and give a bond to the city with sufficient sureties, in such form and sum as the council may direct, for the faithful performance of his duties.

**Rules for board.** SECTION 925—84. The council may make such rules from time to time as they may deem proper, not contravening any of the provisions of this chapter, for the government of the board of public works and the manner in which the business of said board shall be conducted.

**Quorum; record; report.** SECTION 925—85. A majority of the board shall constitute a quorum for doing business. They shall keep a record of all their proceedings, which shall be open at all reasonable times to the inspection of any elector of such city, and shall make a report to the council on or before the first day of March in each year, and oftener if required.

**Duties.** SECTION 925—86. It shall be the duty of the board, under the direction of the council, to superintend all public works and keep the streets, alleys, sewers and public works and places in repair.

**Care of school buildings.** SECTION 925—87. In cities of the first and second classes all repairs and alterations of school buildings and premises shall be under the charge of the board of public works, and in other cities under the charge of the board of education; but such repairs or alterations, except ordinary repairs costing not more than two hundred dollars, shall first be approved by the council.

**Use of streets.** SECTION 925—88. No building shall be moved through the streets or any obstruction be placed therein without a written permit therefor granted by the board of public works; said board shall determine the time and manner of using the streets for laying or changing water or gas pipes, or placing and maintaining electric light, telegraph and telephone poles therein; provided that its decision in this regard may be reviewed by the council.

**Repair of streets.** SECTION 925—89. In case any corporation or individual shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the board, said board shall cause the same to be done at the expense of said corporation or individual. The expense thereof, when chargeable to a lot owner, shall be certified to the city clerk by the board, and if not paid shall be carried into the tax roll as a special tax against the lot.



**Contracts, how let.** SECTION 925—90. All public works, the estimated cost of which shall exceed two hundred dollars, shall be let by contract to the lowest responsible bidder; all other public works shall be let as the council may direct. When the work is directed to be let to the lowest responsible bidder or is required to be so let under the provisions of this section, the board of public works or such officers as shall be designated to discharge its duties shall advertise for proposals by publishing a notice in the official newspaper at least once in each week for at least two successive weeks. Before such proposals are advertised for a profile of the work to be done, together with the specifications, shall be placed on file for the inspection of bidders, and a form of contract with sureties, as the same will be required to be executed by bidders, shall be prepared and a copy of the same furnished to any person desiring to bid on the work. No bid shall be received when not accompanied by a bond with sureties executed on the part of the bidder, and such sureties, which sureties shall justify as to their responsibility and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract in property not by law exempt from execution; provided, that a certified check in amount equal to five per cent of the bid, and a provision in the contract for the retention by the city of twenty per cent. of the estimates made from time to time, may be accepted in place of sureties. The power to reject any and all bids shall be deemed to exist unless expressly waived. When no proper bids shall be received for any such work the council, by a two-thirds vote of all its members, may direct that such work be done under the supervision of such officer or officers as it shall designate.

**Incompetent bidders.** SECTION 925—91. Whenever any bidder shall be, in the judgment of said board, incompetent or otherwise unreliable for the performance of the work on which he bids, the board shall report to the council a schedule of all the bids for such work, together with their recommendation to accept the bid of the lowest responsible bidder, with their reasons; and thereupon the council may direct said board either to let the work to such competent and reliable bidder or to re-



advertise the same; and the failure to let such contract to the lowest bidder in compliance with this provision shall not invalidate such contract or any special assessment made to pay the liability incurred thereunder.

**Duty and liability of contractor.** SECTION 925—92. All contractors doing any work which shall in any manner obstruct the streets or sidewalk shall put up and maintain barriers and lights to prevent accidents, and be liable for all damages caused by failure so to do. All contracts shall contain a provision covering this liability, and also a provision making the contractor liable for all damages caused by the negligent digging up of streets, alleys or public grounds, or which may result from his carelessness in the prosecution of such work.

**Contracts, how executed.** SECTION 925—93. All contracts shall be signed by the mayor and the clerk unless otherwise provided by resolution, or ordinance; provided, that no contract shall be executed on the part of the city until the comptroller shall have countersigned the same and made an endorsement thereon showing that sufficient funds are in the treasury to meet the expense thereof, or that provision has been made to pay the liability that will accrue thereunder.

**Estimates, deposits.** SECTION 925—94. As the work under any contract progresses, the board of public works, or such officers as shall be designated to discharge its duties, may, from (time) to time at their discretion, grant to the contractor an estimate of the amount and proportionate value of the work done, withholding in all cases twenty per cent of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty per cent. from the proper fund. But all contracts shall contain a provision authorizing such board, in case the work under such contract is not completed within the time required, to take charge of the work and finish it at the expense of the contractor and his sureties. In no case shall the deposit herein required be returned to a successful bidder until the contract is performed; but it, together with the twenty per cent retained as aforesaid, shall be used in whole or in part to com-

plete the work. If any of the deposit or the retained twenty per cent then remains, it shall be paid to such defaulting contractor.

SECTION 2. This ordinance shall be of force and effect from and after its passage and publication.

Approved April 19, 1904.

J. W. GROVES,  
*Mayor.*

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, Wisconsin, on the 19th day of April, 1904.

O. S. NORSMAN,  
*City Clerk.*

## SPECIAL LAWS AND ORDINANCES

AMENDING AND AFFECTING THE CHARTER OF THE CITY OF  
MADISON.

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No. 406, A.]

[Published April 14, 1883.

### CHAPTER 244.

AN ACT to detach certain territory from the city of Madison and make it a part of the town of Madison, in the county of Dane, and amendatory of section 2, chapter 36, of the laws of 1882.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The following described territory, situated in the county of Dane, namely: The west half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section twenty-two (22), in township number seven (7) north, of range nine (9) east, is hereby detached from the Fourth ward of the city of Madison and made a part of the town of Madison for all purposes.

SECTION 2. Section 2 of chapter 36 of the Laws of 1882, in so far as the same conflicts with this act, is hereby repealed.

SECTION 3. This act shall be in force after its passage and publication.

Approved March 31, 1883.



No. 518, A.]

[Published April 11, 1885.

### CHAPTER 362.

AN ACT detaching certain property in the town of Madison, Dane county, and making it a part of the fourth ward of the city of Madison for school purposes only.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The property of Amos Barnes, including his dwelling house and not to exceed ten acres of land located in the northeast quarter of section 26, town of Madison, is hereby detached and made a part of the fourth ward of the city of Madison, for school purposes only.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved April 8, 1885.

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No. 772, A.]

[Published April 26, 1893

### CHAPTER 234.

AN ACT making a portion of the town of Madison a part of the city of Madison, for school purposes.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. All that part of section twenty-two, contained within the limits of the town of Madison, is hereby made a part of the city of Madison, for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 306, S.]

[Published May 5, 1893.]

## CHAPTER 309.

AN ACT to alter the boundaries of joint school district number five, of the towns of Madison, Blooming Grove and Fitchburg, Dane county.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The following described territory situated in Dane county, commencing five chains and fifty links north of the east and west quarter line of section number twenty-six, town seven north, range nine east, and five chains west of the line between fractional lots one and two, of said section; thence west ten chains; thence north fourteen chains, to the shore of third lake; thence easterly along the shore of said lake to a point five chains west from the east line of fractional lot number two; thence south thirteen and seventy-five hundredths chains to the place of beginning; and the northwest corner of lot one, section twenty-six, township seven north, range nine east, described as follows: Commencing at the northwest corner of the land deeded by W. Lafayette Smith and Elma H. Smith, his wife, to John Tuhey, December 8, 1880, running thence south along said Tuhey's west line to the center of the Madison and Watercure road; thence west along the center of the Watercure road to within twenty feet of the east line of the land owned by the Chicago & Northwestern Railroad company; thence north and parallel to, and at all points twenty feet distant from, the said line of the land owned by the said Chicago & Northwestern Railroad company, to the shore of lake Monona; thence in a northeasterly direction along the shore of said lake to the place of beginning, is hereby detached from the city of Madison, for school purposes, and is annexed to, and made a part of school district number eleven, of the town of Madison, Dane county.

SECTION 2. This act shall take effect and be in force from and after June 12, 1893.

Approved April 20, 1893.

No. 8, A.]

[Published April 4, 1885.

### CHAPTER 147.

AN ACT to authorize justices elected in the several wards of Madison, Mineral Point and Stoughton to keep an office and to perform the duties in any part of said cities.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The justices of the peace elected in the several wards of the cities of Madison, Mineral Point and Stoughton, may keep their offices and perform all the duties pertaining thereto, in any part of their respective cities, as fully as they now do in the wards in which they were respectively elected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1885.

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No. 40, A.]

[Published April 12, 1887.

### CHAPTER 410.

AN ACT authorizing the board of education of the city of Madison to borrow money and to issue scrip therefor, and the commissioners of public lands to loan money to said board of education and providing for the payment of the same.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The commissioners of the public lands are hereby authorized to loan at their discretion a portion of the trust funds of this state, not exceeding the sum of forty-five thousand dollars to the board of education of the city of Madison, and said board of education is hereby authorized to borrow a sum not exceed-



ing the amount above named, of said commissioners or elsewhere and to issue to said commissioners or other persons of whom said sum is borrowed, certificates of the indebtedness so contracted. Said indebtedness shall bear interest at a rate not exceeding seven per cent. per annum as the parties may agree, and said interest shall be paid annually together with one-ninth of the principal sum, until the whole is paid, in accordance with the provisions of the charter of said city of Madison, providing for the levy and collection of taxes, and the payment thereof to the treasurer of said board of education.

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed, and this act shall take effect from and after its passage and publication.

Approved April 11, 1887.

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No. 246, S.]

[Published April 15, 1889.

## CHAPTER 362.

AN ACT to authorize the city of Madison to build a new city hall or to rebuild or modify its present city hall building, and to authorize the common council of the city of Madison to remit the taxes on an opera-house building if by them deemed advisable.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. The common council of the city of Madison is hereby authorized to construct a new city hall building with a suitable room for public meetings and entertainments attached, and for that purpose they are authorized to purchase additional grounds, to be used in connection with the grounds on which the present city hall is located, or to purchase a new site for said

proposed building elsewhere in the city of Madison, to dispose of the present city hall or to modify or rebuild and enlarge the same, or make an entire new city hall building, as they may deem advisable and for the best interests of the city; and for either of said purposes they may use the moneys now belonging to the sinking fund of the city, and in addition may issue bonds in an amount not exceeding fifty thousand dollars, bearing interest at a rate not exceeding five per cent. per annum, said bonds to be payable in whole or in part, at such time or times not exceeding twenty years, as the common council may prescribe; and in case the funds above provided for shall not complete and furnish the building herein authorized, the common council is empowered to make a temporary loan to pay the deficiency and such sum in excess of twenty-five thousand dollars as may annually be levied for general city purposes within the two per cent. limit prescribed by the city charter, shall annually be set apart and used for the payment of said temporary loan until the same shall be fully paid.

SECTION 2. The common council is hereby authorized to remit or refund during such period as they may deem advisable, the taxes that may be assessed against any building hereafter constructed in the city of Madison for the purposes of an opera house, and the land occupied for the purpose of said opera house; provided, that nothing herein shall authorize a remission of taxes for special improvements.

Section 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1889.

No. 296, S.]

[Published May 17, 1901.]

## CHAPTER 406.

AN ACT to authorize the governor in behalf of the state to co-operate with the city of Madison in paving the streets surrounding the capitol park, and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**Power of governor; state to be protected from damages.** SECTION 1. The governor is hereby authorized to co-operate with the mayor and common council of the city of Madison in newly paving with asphaltum, the streets and street corners abutting the four sides of the capitol park in the city of Madison, the cost to the state for such paving not to exceed fifteen thousand dollars. Nothing herein contained shall be construed as authorizing the governor on behalf of the state to aid in repairing and re-paving such streets after such paving is once completed. In any arrangement or contract entered into for the purposes herein named the state shall be fully protected from all possible damages that may arise either in the progress of such negotiation and work, or by reason of any neglect on the part of the city of Madison thereafter in keeping such streets in good repair.

**Appropriation.** SECTION 2. There is hereby appropriated out of the funds in the state treasury not otherwise appropriated, a sum sufficient to carry out the purposes of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 14, 1901.



## ORDINANCE NO. 1139.

AN ORDINANCE creating wards out of the precincts of First Ward of the city of Madison.

Whereas, a majority of the electors, at least 40 per centum of whom are residents, freeholders of the first precinct of the First Ward of the city of Madison, Wisconsin, which election district contains one thousand inhabitants (1,000) or more, have filed with the city clerk of said city, a petition demanding that such precinct be constituted a ward of said city; and

Whereas, the said city clerk has duly notified the mayor of said city of the receipt thereof; and

Whereas, the mayor of said city thereupon caused to be published, in the official paper of said city, notice of the receipt of such petition, and did cause the same to be laid before the common council of said city, at its next regular meeting in pursuance of law; and

Whereas, it has become the duty of said common council to act in the premises;

Now, therefore, the common council of the city of Madison, Wisconsin, do ordain:

SECTION 1. The first precinct of the first ward of the city of Madison, being all of that part of the said city bounded by Lake Mendota or Fourth Lake, and by lines drawn through the center of Wisconsin avenue; West Washington avenue so far as Henry street; Henry street from West Washington avenue to State street; State street from Henry street to Frances street, and Frances street from State street to Lake Mendota or Fourth Lake, is hereby created and constituted and shall be known as First Ward.

The second precinct of the first ward of the city of Madison, being all that part of said city within the boundaries of lines drawn through the center of West Washington avenue, from Henry street to Washington street; Washington street from West Washington avenue to Francis street; Francis street from Washington street to State street; State street from Francis street to Henry street; Henry street from State street to West Wash-

ington avenue, is hereby created and constituted and shall be known as Eighth Ward.

SECTION 2. The alderman of the first ward as now constituted shall become and be the alderman of the eighth ward; and at the annual city election in April, 1897, there shall be elected in the first ward two aldermen, one for the term of one year, and one for the term of two years, and in the eighth ward, one alderman for the term of two years; and thereafter there shall be annually elected one alderman from each of said wards for the term of two years, as provided in chapter 2, section 8, of the city charter, and acts and ordinances supplementary thereto and amendatory thereof.

This ordinance shall be in force and of effect from and after its passage and publication.

Approved March 17, 1897.

A. A. DYE,  
*Mayor.*

Notice is hereby given, that the foregoing ordinance was passed by the common council of the city of Madison, on the 16th day of March, 1897.

O. S. NORSMAN,  
*City Clerk.*

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### ORDINANCE NO. 1140.

AN ORDINANCE creating wards out of the precincts of the Second Ward of the city of Madison.

Whereas, a majority of the electors, at least 40 per centum of whom are resident freeholders of the first precinct of the second ward, of the city of Madison, Wisconsin, which election district contains one thousand (1,000) inhabitants, or more, have filed with the city clerk of said city a petition demanding that such precinct be constituted a ward of said city; and

Whereas, the said city clerk has duly notified the mayor of said city of the receipt thereof; and

Whereas, the mayor of said city did thereupon cause to be published in the official paper of said city notice of the receipt



of such petition, and did cause the same to be laid before the common council of said city, at its next regular meeting, in pursuance of law; and

Whereas, it has become the duty of the city council to act in the premises,

Now, therefore, the common council of the city of Madison do ordain:

Section 1. The first precinct of the second ward of the city of Madison, being all that part of said city bounded by Lake Mendota or Fourth Lake, and by lines drawn through the center of Wisconsin and East Washington avenues and Blount street, is hereby created and constituted and shall be known as Second Ward.

The second precinct of the second ward, of the city of Madison, being all that part of the said city, lying north and east of lines drawn through the center of Blount street, Washington avenue and Winnebago road to the city limits, is hereby created and constituted and shall be known as Seventh Ward.

SECTION 2. The senior alderman of the second ward as now constituted, shall become and be the senior alderman of the seventh ward. The junior alderman of the second ward as now constituted, shall become and be the senior alderman of the second ward, and at the annual city election in April, 1897, there shall be elected in the second ward one alderman for the term of two years; and in the seventh ward two aldermen, one for the term of one year and one for the term of two years; and thereafter there shall be annually elected one alderman from each of said wards in said city for the term of two years, as provided in chapter two, section eight, of the city charter, and acts and ordinances supplementary thereto and amendatory thereof. This ordinance shall be in force and of effect from and after its passage and publication.

Approved March 17, 1897.

A. A. DYE,  
*Mayor.*

Notice is hereby given, that the foregoing ordinance was passed by the common council of the city of Madison, on the 16th day of March, A. D. 1897.

O. S. NORSMAN,  
*City Clerk.*



## ORDINANCE NO. 1279.

AN ORDINANCE to constitute a part of the present fourth ward of the city of Madison as the ninth ward of said city, and to constitute the residue of the present fourth ward as the fourth ward of the city of Madison.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. That all that part of the present fourth ward of the city of Madison lying west and south of the center line of the main track of the Chicago, Milwaukee & St. Paul Railway Company, as at present laid, be and the same is hereby constituted the ninth ward of the city of Madison.

SECTION 2. All the rest and residue of the present fourth ward of the city of Madison being the part bounded on the north-east by the center line of Monona avenue, on the north-west by the center line of Washington avenue, on the south-west by the center line of the main track of the Chicago, Milwaukee & St. Paul Railway Company, as at present laid, and on the south-east by Lake Monona, is hereby constituted the fourth ward of the city of Madison.

SECTION 3. The alderman of the present fourth ward whose term of office will expire in April, 1904, and who now resides within the territory hereby constituted as said ninth ward, shall be and remain an alderman of said ninth ward until the expiration of his term of office.

SECTION 4. There shall be elected at the regular city election in April, 1903, an alderman of said ninth ward for the full term of two years.

SECTION 5. There shall be elected at the regular city election in April, 1903, in the fourth ward of the city of Madison, two aldermen, one of whom shall be elected to fill vacancy and shall hold his office for the term of one year, and the other of whom shall hold his office for the term of two years.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication.

Approved February 14, 1903.

JOHN W. GROVES,  
*Mayor.*

Notice is hereby given, that the foregoing ordinance was passed by the common council of the city of Madison, on the 13th day of February, A. D. 1903.

O. S. NORSMAN,  
*City Clerk.*

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### ORDINANCE NO. 1296.

AN ORDINANCE to annex to the city of Madison certain adjacent territory in the town of Madison, and to constitute the same as the tenth ward of the city of Madison.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. All that part of town seven (7) north, of range nine (9) east, Dane county, Wisconsin, hereinafter described the same being adjacent to the city of Madison, is hereby annexed to and made a part of the city of Madison; the said territory being more fully described as follows: All that part of section twenty-two (22) not now embraced in the city of Madison; also that portion of section twenty-seven (27) embraced within the limits of Wingra Park, according to the recorded plat thereof. All of said territory lying in township number seven (7) north, of range number nine (9) east.

SECTION 2. In accordance with the terms of the petition for such annexation, and in pursuance of law, the said territory is received into and made a part of said city without license, and no license to sell intoxicating liquors within said territory shall be granted unless the question of license or no license shall have been submitted to the lawful electors of said territory, at a special meeting to be held for that purpose in the manner provided by law for holding special elections in a ward of said city, and a majority of the votes cast on said question shall be in favor of granting license to sell such intoxicating liquors.

SECTION 3. The said territory so annexed to the city of Madison is hereby constituted the tenth ward of the city of Madison.

SECTION 4. On the 3rd day of November, A. D. 1903, a special election shall be held in said ward, in the manner provided by law for holding special elections, and notice thereof shall be given in the manner provided by law. At said special election there shall be elected one supervisor to hold his office until the spring election of 1904; one justice of the peace, who shall hold his office until the spring election of 1905; one senior alderman, who shall hold his office until the third Tuesday of April, 1904, and one junior alderman, who shall hold his office until the third Tuesday of April, 1905.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication.

Approved July 25, 1903.

JOHN W. GROVES,  
*Mayor.*

Notice is hereby given, that the foregoing ordinance was passed by the common council of the city of Madison, on the 24th day of July, 1903.

O. S. NORSMAN,  
*City Clerk.*



# AN ORDINANCE

## To Revise the General Ordinances of the City of Madison.

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*The Common Council of the City of Madison do ordain as follows:*

### CHAPTER I.

#### CONSTRUCTION AND EFFECT OF ORDINANCES AND THEIR PUBLICATION.

**Effect of Repeal.** SECTION 1. When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be expressly so provided.

**Construction.** SECTION 2. Every word in any ordinance importing the masculine gender, shall extend and be applied to females as well as males; and every word importing the singular number only, shall extend and be applied to several persons or things as well as to one person or thing; and every word importing the plural number only, shall extend and be applied to one person or thing as well as to several persons or things; and the word "person" shall extend and be applied to a partnership or corporation as well as an individual; provided, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction, or when the subject matter or context of such ordinance may be repugnant thereto.

**Construction—Reasonable Time or Notice.** SECTION 3. In all cases where any ordinance shall require any act to be done in a reasonable

time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

**Ordinances to Take Effect When.** SECTION 4. All ordinances passed by the common council, except when otherwise specially provided, shall take effect and be in force from and after their publication.

**Penalty Where No Penalty Provided.** SECTION 5. In any case where there shall be a violation of any city ordinance for which no penalty is provided, the person violating the same shall be subject to a fine of not less than one dollar nor more than one hundred dollars for each offense.

## CHAPTER II.

### FIRE DEPARTMENT AND FIRE REGULATIONS.

**Who Compose the Fire Department.** SECTION 1. The fire department shall consist of one chief to be known as "Chief of the Fire Department," an assistant chief, to be known as "Assistant Chief of the Fire Department," one person, who shall have charge of the fire station in the sixth ward, to be known as "Captain," one practical electrician, and thirteen additional full paid men, and twenty call men. If any other sub fire station shall be established, the person in charge of the same shall be known as "Captain."

**Appointment of Members; Duties.** SECTION 2. The chief of the fire department shall be appointed by the board of police and fire commissioners; the assistant chief, the captain and the electrician shall be appointed by the chief by and with the consent and approval of the board of police and fire commissioners, and said approval shall be filed or of record before said persons shall enter upon their duties. All other members of the fire department shall be appointed by the chief from lists furnished and approved by the board of police and fire commissioners. The chief shall be responsible for the efficiency of the fire department, and the chief, the assistant chief, the captain, the electrician and the full-paid men shall devote all their time to the work of said department, and shall not engage in any other business.

**Salaries—Forfeiture by Call Men.** SECTION 3. The members of the fire department shall be paid salaries as follows: Chief, eighty-five

dollars per month; assistant chief, seventy dollars per month, and the captain and the electrician sixty-five dollars per month for the first year of service and seventy dollars per month for continuous service thereafter. All other members, except call men, shall be paid for the first year of service fifty dollars per month; for the second and third years fifty-five dollars per month; and thereafter at the rate of sixty dollars per month; but the length of time served by each member is to be determined in every case by computing the time continuously served by him after January 1, 1903. Call men shall be paid at the rate of one hundred and twenty dollars per year; provided, that every call man who shall fail to appear and serve at any alarm of fire shall, unless excused by the chief of the department, forfeit one dollar for each such absence, which said forfeiture shall be deducted from his pay, and if in any one year the absences by any call man shall in the aggregate be equal to forty per cent. of the total number of fire alarms during said time, such fact shall be reported by the chief of the fire department to the board of police and fire commissioners, and such person so absent shall be dismissed from the fire department.

**Government and Distribution of Members.** SECTION 4. The members of the fire department shall be distributed under the direction of the board of police and fire commissioners, and shall be governed by rules and regulations to be prepared by the said board, which said rules may be amended from time to time.

**Assistant Chief to Act in Absence of Chief.** SECTION 5. In case of the absence or disability of the chief, the assistant chief shall have all the powers and be charged with all the responsibilities of the chief.

**The Chief—His Authority—To Keep a Record—Make Report to Council.** SECTION 6. Subject to the rules and regulations provided for by section four of this chapter, the chief of the fire department shall have control over the members of the department. He shall also have control of all apparatus and property of the department, and shall keep said apparatus in repair. He shall also keep an itemized record of all his official transactions and account for any money received or disbursed by him. He shall keep a record of each alarm of fire, showing the date, the exact time and the number of the box from which it is received. He shall report to the common council during the month of February in each year, the condition, needs and defects of the department, and shall make such suggestions as to him may seem proper.

**Duty of Police at Fires.** SECTION 7. The chief of police, and all policemen stationed in a ward where a fire occurs, shall repair imme-



diately on an alarm of fire to the place where the fire may be, and remain, for the preservation of the public peace and for the preservation of property in the vicinity thereof.

**Use of Liquor at Fires.** SECTION 8. In case of and during the continuance of a fire, no intoxicating liquors shall be allowed among the firemen, or be brought upon the ground for any purpose, except the same shall have been ordered by the chief of the fire department, and any person furnishing any intoxicating liquor or drink to firemen during a fire, except as herein provided, shall be subject to a fine of not less than five dollars nor more than twenty-five dollars.

**By-Standers May Be Called to Assist at Fires.** SECTION 9. It shall be lawful for the mayor, or the chief or assistant chief of the fire department, the chief of police or any police officer, or any alderman, to require of any by-stander such aid as shall be necessary; and every person who shall disobey such order, shall be liable to arrest and to the penalty provided by section twenty-eight of this chapter.

**Resistance to Firemen—Injury to Apparatus.** SECTION 10. No person shall wilfully offer any hindrance or resistance to a fireman in the discharge of his duty, nor shall any person wilfully injure, in any manner, any hose, fire engine, or other fire apparatus belonging to the city.

**Destruction of Property to Prevent the Spread of Fire.** SECTION 11. During the progress of any fire the chief of the fire department, or, in case of his absence or disability, the assistant chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire.

**Fire Alarm Telegraph—False Alarm—Keys.** SECTION 12. No person shall knowingly give or cause to be given any false alarm of fire, by means of the telegraph boxes connected with the fire alarm telegraph, or otherwise. No person excepting the chief of the fire department and those acting under his express authority in writing, or by express authority of the common council, shall make or cause to be made any key or keys of any fire alarm telegraph box, or use, or attempt to use, or cause to be used, any such key or keys.

**Interference With Telegraph.** SECTION 13. No person, unless duly authorized, shall cut or remove or in any way alter or interfere with the fire alarm telegraph wire or wires, or with any part of the machinery, apparatus, fixtures, boxes or glass in any way attached or appertaining thereto. Any person violating any provision of this or

of the preceding section shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars.

**Other Wires—How Strung With Relation to Fire Alarm System—Duty of Chief.** SECTION 14. No telegraph, electric light or power or telephone wire shall hereafter be placed above any wire appertaining to the fire alarm telegraph, and any person, manager, agent or employe in charge of any such telegraph, telephone or electric light or power wire who shall refuse to remove any such wire placed contrary to the provisions of this section upon being requested so to do by the chief of the fire department, or any police officer, shall be subject to a fine not less than twenty-five dollars nor more than one hundred dollars. The chief of the fire department or any police officer is hereby authorized and empowered summarily to cut and remove any telegraph, telephone or electric light or power wire coming in contact with or placed above or endangering the free and unobstructed operation of the fire alarm system of this city.

**Control of Fire Alarm System. Duty of Chief.** SECTION 15. The electric fire alarm system shall be under the control and supervision of the chief of the fire department, who shall have the entire care and management of the rooms, apparatus, lines, boxes and machinery of said system, and shall be responsible for the constant good repair and working of the same. The chief of the fire department shall have the custody and control of all keys belonging to the various signal boxes, and shall keep a record of all keys distributed by him, and shall take receipts for the same; and he shall have the power, subject to the approval of the board of police and fire commissioners, to make such regulations relating to the administration of the fire alarm system as shall from time to time be found necessary or convenient.

**Fire Limits.** SECTION 16. All that part of the city of Madison embraced in the following descriptions shall be known as the fire limits, to-wit: Blocks 72, 73, 74, 75, 76, 77, 83, 84, 89, 90, 99, 100, 101, 102, 103, 104, 105, 107, 108, 113, 114, 270, and that strip or parcel of land lying between block 270 and block 106. The following blocks shall be known as the fire wardens' limits, to-wit: Blocks 65, 67, 82, 85, 88, 106, 109, 112.

**Construction of Buildings Within Fire and Fire Wardens' Limits.** SECTION 17. No building shall be erected within the fire limits unless the same be constructed in conformity with the following provisions:

1st. All outside and party walls shall be made of stone, brick or other fire-proof materials.



2d. Outside or party walls not exceeding twenty-four feet in height, from the level of the sidewalk to the under side of the roof joists or rafters, shall not be less than eight inches in thickness, if of brick, and not less than sixteen inches in thickness if of stone. But the walls of stores, mills, breweries and warehouses, and of all other buildings exceeding twenty-four feet in height, as aforesaid, shall not be less than twelve inches in thickness, if of brick, nor less than eighteen inches in thickness, if of stone.

3d. All joists, beams and other timbers, in outside and party walls, shall be separated at least four inches from each other with stone or brick laid in mortar, and all wooden lintels, or plate pieces, in front or rear walls, shall recede from the outside of the wall at least four inches, except that lintels of timber may be used in cornices covered with metal or other fireproof roofing which recede four inches from the outside or front as aforesaid. All roofs, cornices and gutters shall be covered with fire-proof material.

4th. There shall not be more than thirty feet space between the outside or party walls of any building, unless such building be supported by iron or other columns or supports of fire-proof material.

5th. All end and party walls shall extend above the sheeting of the roof at least two and one-half feet, and in no case shall the planking or sheeting of the roof extend through or across any party or end wall; and in case of any opening in any end or party wall, the same shall be provided with iron or fire-proof doors, properly fitted and hung so as to be easily closed in case of fire.

No building shall be erected within the fire wardens' limits of any other materials, or in any other manner, than is prescribed by this section, unless the common council shall, by resolution duly adopted, grant permission therefor.

**Depositories of Ashes.** SECTION 18. All depositories of ashes within the city limits shall be built of brick, stone or other fire-proof material.

**Wooden Buildings—When May Be Rebuilt—How Damage Determined.** SECTION 19. No wooden building within the fire limits which may hereafter be damaged to the amount of fifty per cent. of the value thereof, shall be repaired or rebuilt; nor shall such building, where the damages are less than fifty per cent. of its value be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred. The amount or extent of damage that may be done to any building may be determined by three disinterested persons, residents of the city, one of whom shall be chosen by the owner of the building, the second by the mayor, and the two so chosen shall



elect a third, and the decision of a majority of the persons so chosen shall be final and conclusive.

**Wooden Buildings—When Deemed a Nuisance.** SECTION 20. Any wooden building which may be erected, enlarged, removed, or repaired, or in process of erection, enlargement, removal or repair, contrary to any of the provisions of this chapter, shall be deemed a nuisance; and it shall be the duty of the mayor, after due notice to the owner or to the builder to abate the same, to make an order in writing, requiring the chief of police or other police officer to cause such building to be razed; and the expense thereof may be collected from the owner of such building by suit.

**Violation of Preceding Sections.** SECTION 21. Any person who shall own, build, or aid in the erection of any building or part of a building contrary to the provisions of this chapter, or who shall own, remove, or assist in removing any such building from without the fire or fire wardens' limits into the same, or shall own, repair, or assist in repairing any damaged wooden building, contrary to any provision of this chapter, shall be subject to a fine of not less than twenty-five dollars, and not exceeding one hundred dollars, for each forty-eight hours such person may fail to comply with any of the provisions of this chapter. Any person who shall remove or cause to be removed, or assist in removing, any building from one point to another within the fire or fire warden's limits which could not, under the provisions of this chapter, be erected within said limits, shall be subject to the same penalties herein provided for the offense of removing any such building from without the fire limits to any point within the same.

**Public Cisterns, Water Not to Be Taken From.** SECTION 22. No person shall take water from any public cistern for any purpose other than to extinguish fires, without first obtaining the written consent of the chief of the fire department, under a penalty of not less than two or more than ten dollars for each offense.

**Removal of Weeds Endangering Buildings by Fire.** SECTION 23. Whenever any reeds, rushes, cattails or other weeds shall be found growing upon any street or lot within this city in such close proximity to any building or structure as to endanger such building or structure by fire therefrom, the owner or occupant of such lot shall cut and remove such weeds from such lot or adjoining street whenever required to do so by the chief of the fire department or the superintendent of streets.

**Failure to Remove Weeds—Summary Removal of Same.** SECTION 24. Whenever any owner or occupant of any lot shall neglect or re-

fuse to remove such weeds within forty-eight hours after written notice requiring the removal of the same shall have been given to him by the chief of the fire department or the superintendent of streets, he shall be subject to a fine of not less than one dollar nor more than ten dollars for such failure or refusal to remove such weeds according to such notice; and said chief of the fire department or said superintendent of streets shall cause such weeds to be cut and removed and the expense thereof shall be levied and collected as a special tax against such lot. For the purpose of this and the preceding section notice to the person who receives the rent or has charge of the property in question shall be deemed notice to the owner.

**Hay—Stacking of Same Within Fire Limits—Within City Limits.**

SECTION 25. No person shall stack or cause to be stacked any hay or straw within the fire limits or fire wardens' limits except by permission of the common council, or nearer than sixty feet to any building, without the previous written consent of the chief of the fire department.

**Removal of Hay.** SECTION 26. If, in the opinion of the chief of the fire department, any building is endangered by reason of the stacking of any hay or straw, he shall notify the owner of said hay or straw in writing to remove the same, and if said owner does not remove the said hay or straw within twenty-four hours from the service of said notice, the chief of the fire department shall cause the same to be removed at the expense of said owner.

**Violations of Sections 25 and 26.** SECTION 27. Any person violating the provisions of either of the last two preceding sections, or neglecting or refusing to remove said hay or straw within twenty-four hours after having been notified so to do by the chief of the fire department, shall be subject to a fine of not less than two dollars nor more than ten dollars.

**Violation of This Chapter for Which no Penalty Provided.** SECTION 28. If any person shall violate any provision of this chapter for which a penalty is not already provided for therein, he shall be subject to a fine of not less than one dollar nor more than one hundred dollars.

## CHAPTER III.

### POLICE DEPARTMENT.

**Who Compose the Police Department.** SECTION 1. The police department of the city of Madison shall consist of one chief to be known as "chief of police," one captain, to be known as "captain of police," one detective, nine regular policemen, and such special policemen, to serve from year to year without pay, and such special policemen, to serve temporarily in time of emergency, as may be appointed by the chief of police with the approval of the board of police and fire commissioners.

**Appointment of Members; Duties.** SECTION 2. The chief of police shall be appointed by the board of police and fire commissioners; the captain of police and the detective shall be appointed by the chief, with the approval of said board, from the regular police force; all other regular and special policemen shall be appointed by the chief from lists furnished and approved by the board of police and fire commissioners. The chief shall be responsible for the efficiency of the police department, and the chief, the captain, and all regular policemen shall devote all their time to the work of their department, and shall not engage in any other business. The captain shall discharge the duties of the chief of police in case of the absence or disability of the chief.

**Chief of Police—Duties.** SECTION 3. The chief of police shall have and exercise a general supervision over the police department. It shall be the duty of the chief of police and of all police officers to preserve the public peace, and to suppress all riots, disturbances and breaches of the peace, and they shall, with or without process, apprehend all disorderly persons or disturbers of the peace and take them before the municipal court.

**Chief of Police—Duties Continued.** SECTION 4. The chief of police shall see that all ordinances are enforced, and whenever any violation thereof shall come to his knowledge, whether by personal observation or by information from others, he shall make complaint and cause the person, so offending, to be prosecuted. He shall cause the ordinances in reference to gambling and other immorality to be enforced to the complete suppression thereof.

**Chief of Police—Apprehend Persons Violating State Laws.** SECTION 5. The chief of police shall cause to be apprehended and prose-



cuted all persons committing, within the limits of this city, any offense against the laws of the state.

**Chief of Police—Charge of Public Bath-Houses, Patrol Wagon, and City Ambulances.** SECTION 6. The chief of police shall have charge and supervision of the public bath-houses, and of the patrol wagon and the city ambulances, and see that they are properly cared for.

**Chief of Police—Prosecute Persons Selling Liquor Without a License.** SECTION 7. The chief of police shall keep a record of all houses licensed for the sale of intoxicating liquors, and he shall cause all persons, who may be found selling without license, to be prosecuted.

**Chief of Police—To Report Violations of Excise Law.** SECTION 8. If any person licensed to sell intoxicating liquors shall be convicted of any violation of the excise laws or of any ordinance, the chief of police shall report that fact to the common council at its next regular meeting.

**Arrest—Commitments—Assistance—Liability for Resistance to.** SECTION 9. Whenever in the execution of any duty it shall be necessary to make any arrest or commitment, the chief of police or any police officer may if necessary command any person to assist him in so doing and may employ such force as may be necessary for the purpose. If any person shall resist, or aid or countenance any person in resisting any police officer or other person assisting him in the execution of any duty, or shall refuse to aid him or them when called upon, he shall be subject in either case to a fine of not less than five dollars and not exceeding one hundred dollars.

**Chief of Police—To Keep Record of Moneys.** SECTION 10. When any money shall be paid to the chief of police, on execution, or by any person on account of any fine or penalty or for fees received by him or any police officer, it shall be his duty to make a record thereof in a book to be kept by him for that purpose, and to pay said money over to the city treasurer.

**Chief of Police—To Make Report to Council.** SECTION 11. The chief of police shall report quarterly to the common council, or oftener if required, an account of all moneys received by him, accompanied with the treasurer's receipt therefor. He shall also report a detailed statement of all moneys necessarily expended or expenses necessarily incurred by him, in and about the duties of his office, and furnish proper vouchers therefor whenever practicable. He shall report to the common council during the month of February in each year the work done by the police department during the preceding year, ending December 31, also the condition, needs and defects of the department, and shall make such recommendations as to him may seem necessary and proper.

**Policemen—Uniforms—Failure to Wear Same.** SECTION 12. All regular policemen, excepting the chief and captain of police and such officers as may be assigned by the chief for detective duties, shall within thirty days after their appointment, provide themselves with appropriate uniforms, such as shall be prescribed by the board of police and fire commissioners and the chief of police, and shall, when on duty, wear full uniforms with a star conspicuously displayed upon the left breast. Any policeman who shall fail to so provide himself with a uniform and wear the same shall be deemed to have vacated his office.

**Policemen—Salaries.** SECTION 13. The regular members of the police force shall receive the following salaries: Chief of police one hundred dollars per month; captain of police, eighty dollars per month; detective, seventy dollars per month; each patrolman, fifty-five dollars per month for the first year of service; sixty dollars per month for the second and third years of continuous service, and sixty-five dollars per month for the fourth and each succeeding year of continuous service; merchants' night watch at the city buildings, twenty dollars per month; special policemen, appointed for temporary purposes in time of emergency, not to exceed two dollars a day for time actually served. The above salaries, except the salary of night watch, shall be in lieu of all fees, percentages and commissions, and all fees, percentages and commissions of every kind, other than rewards offered for the apprehension of criminals, shall be paid into the city treasury.

**Liability of Police Officers.** SECTION 14. Any police officer who shall wilfully neglect or refuse to perform any duty required of him by any ordinance shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars.

## CHAPTER IV.

### LICENSES AND THE REGULATION AND CONTROL OF LICENSED OCCUPATIONS.

**Not Granted for the Sale of Liquor in Certain Parts of the City.** SECTION 1. No license shall be issued for the sale of intoxicating liquor as a beverage on any lot fronting, bordering or touching on Langdon street, or on that part of State street extending from Park street to Gilman street, or on that part of Murray street extending from Lake Mendota to the right of way of the Illinois Central Railway Company, or on that part of Lake street extending from Fourth lake to Johnson



street, or on that part of Frances street extending from Fourth lake to University avenue, or on that part of Park street extending from Fourth lake to Johnson street, or on that part of University avenue extending from Charter street to Lake street, until the property owners of said district shall otherwise petition, and the common council shall otherwise direct.

**Gambling and Disorder Not to Be Allowed on Premises—Liquor Not to Be Sold or Given to Minors or Drunkards—Nor on Election Day—**SECTION 2. No person licensed under this chapter, and under the provisions of the statutes of Wisconsin, and no person employed by or acting for him shall at any time permit any gaming for money, or any article or thing of value, within his premises, or within any outhouse, yard or shed appertaining to the same or suffer or permit any drunkenness, reveling, quarreling, fighting, or any other disorderly or immoral conduct therein, or sell or give away any intoxicating liquor to any minor or sell or give away such liquor to any persons intoxicated or bordering on the state of intoxication, or known to be an habitual drunkard, or suffer or permit any person to give away upon his premises any intoxicating liquor to any minor, or to any person intoxicated or bordering on the state of intoxication, or known to be an habitual drunkard, or sell or give away intoxicating liquor on any election day; and any person violating any of the provisions of this section shall be subject to a fine of not less than five dollars nor more than fifty dollars, and the mayor on such conviction may suspend such license until the next meeting of the council, and the common council may also revoke and annul the license of such person as shall violate any part of this section, as provided in sections 1558 and 1559 of the revised statutes.

**Sale of Liquor Without License.** SECTION 3. Every person who shall, directly or indirectly deal in, sell, barter or for the purpose of evading this ordinance or any law of the state, give away or knowingly permit the same to be done on his premises any vinous, spirituous, malt or fermented liquors, without first having obtained a license therefor, shall be subject to a fine of not less than ten dollars nor more than fifty dollars, or in lieu of such fine, to imprisonment in the county jail not exceeding sixty days nor less than twenty days; and in case of a second, or any subsequent conviction for such offense committed within any twelve consecutive months, shall be subject to both such fine and such imprisonment in the discretion of the court.

**Duty of Clerk to Keep List of Licenses—Give Copy to Chief of Police.** SECTION 4. It shall be the duty of the city clerk to keep a list of



all persons to whom licenses shall be issued under this chapter, and to give a copy thereof to the chief of police, whose duty it shall be to notice and inquire thoroughly into all infractions of any ordinance of this city relating to licenses that may come to his knowledge, and cause the person guilty of the same to be prosecuted.

**Shows, Etc., to Have a License—Board to Determine License—Issue of License.** SECTION 5. No circus shall be exhibited and no show, public exhibition, or theatrical performance shall be given until a license is obtained therefor. The mayor, city treasurer, city clerk, and the chairman of the license committee of the common council shall constitute a board which shall determine the amount of license to be charged to any show, exhibition, circus, theatrical performance or to any established theater or opera house; provided, that when any license shall be issued to an established theater or opera house for any definite term not exceeding one year, no license fee shall be imposed upon any company or person exhibiting in said theater or opera house during said time. It shall be the duty of the clerk, upon the granting of such license and the presentation of a receipt from the city treasurer for the payment of such license fee, to issue a written license to the person applying therefor. Any person who shall give any exhibition without having obtained a license as herein provided for shall be subject to a fine of not less than five dollars nor more than three hundred dollars for each offense.

**License to Sell at Auction.** SECTION 6. No person shall sell at auction any goods, wares, merchandise or other property, the sale of which is subject to a tax under the provisions of section nine of this chapter, without first having obtained a license therefor, as hereinafter prescribed. Any person offending against the provisions of this section shall be subject to a fine of fifty dollars for each offense, besides the amount of the license fee provided for in this chapter.

**Auction License—How Granted—Duration.** SECTION 7. Licenses for selling goods, wares, merchandise and other property at auction may be granted by the common council, and shall be signed by the mayor and city clerk, and no license shall be issued for any period of time other than one year, nor shall the same be assigned, except by the consent of the common council, and if assigned, a new bond shall be filed by the assignee.

**Auction License—Fee—Bond.** SECTION 8. Before any such license shall be issued, the person applying therefor shall pay into the treasury of the city such sum as shall be determined upon by the common

council, not less than five nor more than fifty dollars, and shall file with the clerk a good and sufficient bond, executed to the city treasurer, in the penal sum of five hundred dollars, with two or more good and sufficient sureties to be approved by the mayor, conditioned that such applicant will pay to the said treasurer all sums of money and perform all duties and obligations by any law or ordinance due or required of him as auctioneer.

**Two Per Cent. Fee on Auction Sales—Auctioneer to Make Monthly Report—Exceptions.** SECTION 9. There shall be paid to the city treasurer, on all sales of goods, wares, merchandise and other property made at auction within this city, two per centum upon the amount of all such sales as a license fee, in addition to that required by section eight of this chapter, and every auctioneer shall at the end of each and every month, make to the clerk of this city a full and correct report, verified by his affidavit, showing the amount of such sales made by him, subsequent to the date of his last preceding report. In case default be made by any such auctioneer, either in making such report or in paying such tax, for ten days after the expiration of said month, such auctioneer shall thereby forfeit his license, and be subject to a fine of fifty dollars, besides the amount of tax payable by this ordinance on sales; provided, that nothing in this chapter shall extend to any sale by auction of goods, wares and merchandise, or other property, made by virtue of any chattel mortgage, or of any rule, order or judgment of any court, or by virtue of any law for the collection of any tax or duty, or to any sale of property belonging either to this state or the United States, or made in consequence of any general assignment for the benefit of creditors, or made by or on behalf of any executor or administrator or trustee in bankruptcy or any sale of household furniture which has been used as such, or the sale of stocks by merchants residing in this city, who have paid the taxes levied on such stocks.

**Auctioneer to Keep a Sale Book—Open to Inspection—Duty of Clerk to Compare with Monthly Statement.** SECTION 10. Each auctioneer licensed under this ordinance shall keep a sale book, which shall contain a complete and detailed statement and account of all goods, wares, merchandise and property sold by him, his agents and assistants at auction, which said book shall be open to the inspection of the city clerk, and all other persons desiring to examine the same; and the city clerk shall each month compare the sworn statement hereinbefore mentioned, with the books of the auctioneer rendering the same, and if the city clerk shall have reason to believe that the



monthly statement of the auctioneer is untrue or incorrect he shall report the facts to the council.

**License for Roller Skating Rink—Fee.** SECTION 11. No person shall keep or maintain any roller skating rink, or other place of whatsoever name where for money or other consideration roller skating is permitted, without first obtaining a license therefor. Such a license may be granted by the common council on the payment into the city treasury of the sum of two hundred dollars. Any person violating this section shall be subject to a fine of not less than fifty dollars, nor more than one hundred dollars.

**Hack License—Fee—Hack Number.** SECTION 12. No person shall, for hire or reward, use for conveyance of passengers from one part of the city to another part thereof, any hack, cab, wagon, omnibus or other vehicle, without having first obtained a license therefor, and paying into the city treasury the sum of ten dollars for each hack, cab, wagon, omnibus or other vehicle so used by such person. Said license shall be signed by the mayor and city clerk, and shall be for the term of one year, and shall state the number of such vehicles, which the person to whom the same is issued shall be entitled to use for said purposes, and shall designate the number which each such vehicle shall bear, and it shall be the duty of the person to whom such license is issued to place and maintain such number conspicuously upon each such vehicle. A record of each such license shall be kept by the city clerk.

**Hack Stands—Solicitations of Passengers—Conduct of Hackmen.** SECTION 13. Such place as the superintendent of streets may, from time to time, designate, shall be the authorized stand for hacks, cabs, wagons, omnibuses or other vehicles, and all persons are forbidden to use any other place as a stand, except by special permission of the common council. No person shall solicit passengers in a loud or boisterous manner, or obstruct the cross walks or side walks in the vicinity of said stand. And any hackman, cabman, omnibus driver, expressman or job wagon man, or any other person engaged in soliciting or procuring passengers for any of the above vehicles named, who shall while waiting for employment at any railroad depot, leave such vehicle, except for the purpose of getting the baggage or other personal property of the person employing him, or who shall snap or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking, or hallooing, or any disorderly conduct, or vex or annoy travelers and citizens, or obstruct any sidewalk or cross-



walk, shall be subject to a fine of not less than two, nor more than ten dollars in every case.

**Hack Charges.** SECTION 14. Charges for the conveyance of passengers and baggage by hacks, cabs, wagons and omnibuses shall be as follows: For conveying one passenger not exceeding one mile, twenty-five cents; for conveying one passenger more than one mile, fifty cents and twenty-five cents for each additional passenger; for carrying each trunk to any point, twenty-five cents. No extra charge shall be made for hand luggage. All distances shall be computed on a straight line.

**Duty of Police as to Hackmen, Etc.** SECTION 15. Any member of the police department shall have power to arrest and commit any person offending in any manner against the provisions of the three preceding sections or who refuses or fails to desist from such offense when commanded; and they shall have power to give any direction which may be required for the preservation of good order, and the equal convenience of the public at any railroad depot. Any hackman, cabman, omnibus, express, or job wagon driver, or any other person who shall refuse or neglect to obey such directions, or who shall resist such officer in the discharge of any duty, shall be deemed guilty of a breach of the peace, and be subject to immediate arrest and commitment, and shall be subject to a fine of not less than two dollars, and not exceeding one hundred dollars.

**Billiard, Pool, Shooting Gallery and Bowling Licenses—How Granted—Fee.** SECTION 16. No person shall keep in this city any public shooting gallery or ten pin or bowling alley or saloon, or any billiard or pool table, wherein, or whereon, such person shall permit, for any reward, any person to play at any game of billiards, pool or ten pins, or any other game or games whatsoever, unless such person shall first obtain a license therefor. Any person violating the provisions of this section shall be subject to a fine of not less than ten nor more than twenty-five dollars.

**License for Selling Patent Medicines, Etc.—Fee.** SECTION 17. It shall be unlawful for any person, except he be a merchant or other person doing business in this city or a resident thereof, to sell any patent medicine, soap, prize packages, or any other articles whatever, except farm produce, upon the streets or street corners without first having obtained a license therefor. License for making such sales may be granted in the manner provided by section five of this chapter and upon payment of such fee as may be fixed by the license board.

**Transient Merchants—License—How Obtained—Fee.** SECTION 18. No transient merchant, trader or dealer, as defined in section 1570 of the Wisconsin statutes for 1898, either for himself or as clerk, agent or employe of another, shall be allowed to barter, exchange, sell or offer to barter, exchange or sell, at retail or to consumers, any goods, wares, merchandise, notions or other articles of trade whatsoever, whether by sample or otherwise, and whether said goods, wares and merchandise, notions or other articles of trade whatsoever are delivered at the time of sale or to be delivered at some future day until he shall first have obtained a license therefor from the city. The fee for such license shall be fixed by the license board and shall not be less than five dollars nor more than twenty dollars per day. Any person violating this section shall be subject to a fine of fifty dollars.

**Sales of Bankrupt, Etc., Stocks.** SECTION 19. Every person or vendor not a permanent merchant, trader or dealer in the city of Madison, as defined by section 1570 of the Wisconsin statutes for 1898, who shall sell or expose for sale, at public or private sale, or sell at auction or otherwise, any goods, wares or merchandise, and shall advertise, represent or hold forth such sale as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver, second-hand, job-lots or closing out sale, or sale of any goods damaged by smoke, fire, water or otherwise, or in any similar form, or that by reason of financial difficulties or other special or peculiar circumstances, such goods, wares and merchandise will be disposed of for less than the real value thereof, shall, before doing so, take out a license as hereinafter provided.

**License—How Obtained—Fee.** SECTION 20. License to sell such goods, wares or merchandise or to conduct any such sale as mentioned in the preceding section, may be obtained from the city clerk on the payment of twenty dollars for each and every day, goods, wares and merchandise shall be offered or exposed for sale, or leased with the option to sell. Such license shall not be transferable nor give authority to more than one person to sell goods in such manner either by agent, or clerk, or in any other way than in his own proper person, but any licensee may have the assistance of one or more persons in conducting his business, who shall have authority to aid their principal, but not to act for or without him; provided, however, that any agents having charge of the business of such licensee, in conducting his business, shall be liable to the penalty prescribed by this section in case such person shall advertise to sell any such goods, wares or



merchandise, and such licensee shall not have complied with all of the provisions of this and the preceding section. Any person violating the provisions of this or the preceding section shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense. Each advertisement or sale made in contravention of the provisions of this or the preceding section shall be deemed a distinct offense, and shall subject the offender to the penalty herein prescribed.

**Drain Layers' License—Application—Fee.** SECTION 21. No person shall lay or repair any house drain, or make any connection whatever, with any sewer belonging to the city, or do any kind of work connected with the laying of house drains, or make any repairs, additions to or alterations of any pipe, drain, sewer or other fixture connected or designed to be connected with a public sewer, unless regularly licensed by the common council. For such license he shall pay the sum of five dollars per year. Any person desiring such a license shall, before receiving the same, file in the office of the city clerk his application in writing, giving his name and the name of his firm or company and place of business, and asking to become a licensed drain layer. Said application must be signed by two responsible citizens, vouching for the business capacity and reputation of the applicant and that he is a master of his trade. Such application shall state that the applicant is willing to be governed in all respects by the rules and regulations which have been or may be adopted by the common council. Every drain layer shall be subject to all and singular the rules, regulations and penalties which now exist or may hereafter be adopted by the common council. Such license may be renewed annually upon the payment of fifty cents and the filing and approval of a bond as provided in the next section.

**Bond.** SECTION 22. Before receiving a license the applicant shall give a bond to the city in the sum of one thousand dollars, with two or more sufficient sureties to be approved by the mayor and city clerk, conditioned that he will indemnify and save harmless the city of Madison for and from all damages caused by any negligence in protecting his work or by any unfaithful, imperfect, or inadequate work done by him, and that he will observe all ordinances, rules, and regulations, with respect to excavations and obstructions in the streets.

**Cement Walk Layer's License.** SECTION 23. No person shall construct or lay any cement or granolithic sidewalk upon any of the streets without first having obtained a license from the common council as a cement walk layer. Any person desiring to obtain such license



shall pay a fee of twenty-five dollars, and shall at the time of applying for such license give a bond to the city of Madison in the sum of one thousand dollars, with two sufficient sureties to be approved by the mayor and city clerk, conditioned that such applicant will comply with all the rules and regulations and specifications adopted by the common council or made by the city surveyor in relation to the construction and laying of walks and that such applicant will pay all damages, costs and expense caused by the negligence of himself or his servants, or occasioned by his or their failure to comply with such rules, regulations and specifications. Such license may be renewed annually upon the payment of fifty cents and the filing and approval of a bond as above provided, but this section shall not apply to any person who shall lay or construct his own walk.

**Steamboat License.** SECTION 24. No person shall run or navigate any steamboat carrying passengers for hire upon the waters of Lake Monona or Mendota without being first duly licensed as herein provided, and every person who shall so do shall be subject to a fine of not less than ten dollars nor more than one hundred dollars and a like fine for each day after conviction, under this section, that any such steamboat shall be navigated as aforesaid without such license.

**Applications for License—How and When Granted—Fee—Private Boats Excepted.** SECTION 25. All applications for steamboat licenses under this chapter shall be made to the mayor and clerk who shall issue the same, and every such application shall contain the name of the steamboat, if any, and the name of the person who is to run and navigate the same. Each license issued under this ordinance shall be signed by the mayor and clerk and shall expire on the first day of May following the date of its issue. No license pursuant hereto shall be assignable, or inure to the benefit of any other than the person to whom the same was issued, and no license shall be issued until the applicant shall have first paid into the city treasury the license fee which is hereby established as follows: for each boat licensed to carry two hundred or more passengers, the sum of fifteen dollars per year; for each boat licensed to carry from twenty-five to two hundred passengers, the sum of ten dollars per year; for each boat licensed to carry twenty-five or less, five dollars per year; but no license shall be issued until the mayor and city clerk have become fully satisfied that the steamboat has been duly inspected as hereinafter required, and that the person who is to run or navigate the same, is competent and not addicted to the excessive use of intoxicating drink, and possesses sufficient skill to navigate the same with safety to all concerned.

**Appointment of Steamboat Inspector and His Duties.** SECTION 26. After each annual election the mayor shall, by and with the consent of the council, appoint some competent person as steamboat inspector, whose duty it shall be, within ten days, or as soon thereafter as possible, after his appointment, to cause to be inspected and carefully examined, every steamboat run or navigated upon either of said lakes for the transportation of passengers, as to its staunchness, strength and safety, and as to the number of passengers it may safely carry, and also as to the safety, strength and fitness of the boilers used on the same, and it shall be his further duty to inquire into and ascertain, if possible, the fitness and competency of all persons having the charge and management of said steamboat, and the engines and boilers connected therewith.

**Report of Steamboat Inspector.** SECTION 27. Immediately after the examination and inspection of such boats, as provided for in the next preceding section, it shall be the duty of said inspector to make and file with the city clerk a report in writing, in which he shall set forth among other things the name of each boat inspected by him; the name of the proprietor, manager and engineer of the same; the condition and fitness of the same for the carriage of passengers, and the number of passengers in his judgment each boat will safely carry, and the competency and fitness of the person or persons having the management of the same. He shall also at the same time make duplicate certificates of the number of passengers each of such boats will safely carry, one of which certificates shall be filed with the city clerk and the other he shall deliver forthwith to the proprietor or manager of the boat named in said certificate, and each certificate shall be conspicuously displayed upon the boat named in such certificate at all times while such boat shall be employed in the conveyance of passengers.

**Compensation of Steamboat Inspector.** SECTION 28. The said inspector shall receive compensation as follows: For boats licensed to carry two hundred or more passengers, seven dollars fifty cents for each boat inspected; for boats licensed to carry from twenty-five to two hundred passengers, five dollars for each boat inspected; for boats licensed to carry twenty-five passengers or less, two dollars fifty cents for each boat inspected. All expenses incurred in carrying out the provisions of the two preceding sections shall be paid by the city.

**Revocation of License—Fine.** SECTION 29. Every proprietor, manager or person who shall navigate or run any boat for the carriage of passengers on either of said lakes, who shall at any time receive, take



or transport upon a licensed steamboat a greater number of persons than that named in the said inspector's certificate, shall forfeit the sum of fifty dollars, as a penalty for each offense, and upon conviction thereof it shall be the duty of the mayor to revoke his license. The mayor may in his discretion revoke the license granted for the running of any such boat, whenever any such boat shall become unsafe or the managers or any of them, in his judgment, shall become incompetent for any cause.

**Fortune Tellers, Mind Readers, Palmists, Clairvoyants and Mesmerists to Pay License.** SECTION 30. Every person who practices fortune telling, mind reading, palmistry, clairvoyancy or mesmerism, for money, shall pay a license fee of five dollars per day for each day so engaged. This section shall not apply to persons giving exhibitions at entertainments.

**Dog License—Fee.** SECTION 31. Any person owning or keeping a dog, whelp or bitch shall, on or before the first day of April of each year, obtain a license for such dog, whelp or bitch and shall pay therefor to the city treasurer the sum of one dollar for each dog or whelp, and two dollars for each bitch owned or kept by such person. On payment of such license or tax the city treasurer shall issue to the person obtaining such license a numbered tag, corresponding to the number of such license, which tag shall at all times be worn by the animal for which such license is obtained. The owner or keeper of any dog, whelp or bitch, who fails to obtain a license for such animal, or who, having obtained such license, shall allow his animal to run at large without such tag, shall be subject to a fine of not less than three nor more than twenty-five dollars.

**Dog Catcher—His Duties.** SECTION 32. The chief of police shall, annually, on the first day of May, and at such other time and for such length of time as he may deem proper, appoint a dog catcher, who shall in all matters relating to his duty as dog catcher have police powers, and whose duty it shall be to catch and impound every dog, whelp or bitch, wherever found, not wearing the license tag herein provided for. Said dog catcher shall provide a suitable pound for such purpose, and each dog caught without said tag shall be impounded by him for the space of forty-eight hours. The dog catcher shall release and deliver any dog so impounded to any person claiming such dog during such time who presents the license and tag herein provided for, for such dog, whelp or bitch, and who shall pay in addition thereto to said dog catcher the sum of one dollar, which sum shall be retained by said dog catcher, in full payment of his fees in such matter. Said dog catcher



shall, at the expiration of said forty-eight hours, notify the chief of police, who shall thereupon designate a police officer whose duty it shall be to personally see that such dog, whelp or bitch is shot and properly buried, and for every such dog so captured, kept and killed the city shall pay such dog catcher the sum of one dollar. The dog catcher shall keep an accurate list and description of every dog, whelp or bitch caught, impounded, redeemed or killed by him, and shall each day make report of the same to the chief of police.

**Penalty for Violation of This Chapter Where No Penalty Provided.**  
SECTION 33. Any person who shall violate any of the provisions of this chapter unless another penalty is hereinbefore provided, shall be subject to a fine of not less than five dollars nor more than twenty-five dollars, for each and every offense.

## CHAPTER V.

### PUBLIC HEALTH.

**The Election and Organization of Board of Health—Appointment of Health Officer.** SECTION 1. The common council shall, within a reasonable time after each annual election, elect from their own members, three competent persons who shall constitute the board of health for said city, who shall organize by the election of a chairman and clerk. Such board shall within ten days after being so organized, appoint a competent and proper person, who shall be, whenever the same is practicable, a reputable physician, who shall be the health officer of the city, and who shall hold his office during the pleasure of the board, and shall, during his term of office, be an ex-officio member of said board. If in the judgment of the board it shall be necessary, said board may appoint a competent person as inspector who shall act under the direction of the said board.

**Board May Make Rules and Regulations—Duties of Board.** SECTION 2. The board of health may take such measures and make such rules and regulations as they may deem most effectual for the preservation of the public health, and it shall be their duty to examine into all nuisances, sources of filth and causes of sickness, and make such rules, orders and regulations respecting the same as they may judge necessary for the public health and the safety of the inhabitants; but the

board shall give notice of all orders and regulations made by them by the publication of the same in the official paper of the city.

**Nuisances—Removal of Same—Notice.** SECTION 3. Whenever any nuisance, source of filth or cause of sickness shall be found on private property, the board of health shall order the owner or occupant thereof to remove the same at his own expense within twenty-four hours, and if he shall refuse or neglect to comply with such order, he shall be subject to a fine of not less than ten nor more than one hundred dollars, and said board shall cause the same to be removed, and the city shall recover the expenses incurred thereby from the said owner or occupant, or from such other person as shall have caused or permitted the same. In case the owner is absent from the city, notice to the person who receives the rent or has charge of the property shall be deemed notice to the owner.

**Examination of Buildings, Etc., by Board—Refusal of Entry.** SECTION 4. Whenever the board of health shall think it necessary for the preservation of the health of the inhabitants of the city to enter any building or steamboat in the city for the purpose of examining into or removing or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, or the building or boat is unoccupied, any member of the board or the health officer may make complaint under oath to the municipal court of Dane county, stating the facts in the case, and such court shall thereupon issue a warrant directed to any policeman of said city, commanding him to take sufficient aid, and being accompanied by two or more members of the board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth or cause of sickness complained of may be, and if upon inspection the same shall, in the judgment of such members, exist, to destroy or remove the same under the direction of the board of health.

**The Duty of Health Physician—As to Enforcement of Rules—As to Contagious Diseases—To Keep a Record.** SECTION 5. It shall be the duty of said health officer to see that all orders, rules and regulations made by said board are enforced and carried into effect. Upon the appearance of smallpox, diphtheria, scarlet fever, Asiatic cholera, or any other dangerous contagious or infectious disease, within the limits of the city, it shall be his duty to immediately investigate all the circumstances attendant upon the appearance of such disease, to make full report thereof to said board, and to promptly take such measures for the prevention, suppression, and control of said disease as may, in his judgment, be needful and proper, subject to the approval of the



board; and to quarantine and placard any house or building within said city wherein there exists, or where there shall have recently existed a contagious or infectious disease, and to do so for such reasonable length of time as may prevent the spread of the disease. It shall further be the duty of such health officer to keep and transmit to the board at the end of his term of office a record of all his official acts.

**Persons Quarantined Not to Leave Premises.** SECTION 6. No person, whether afflicted or not with any dangerous contagious or infectious disease included in section five of this chapter, shall visit or depart from any premises which shall have been quarantined by the proper officer, until given permission by the proper health officer. Any person who shall violate this section shall be subject to a fine of not less than five dollars nor more than five hundred dollars or to imprisonment in the county jail for not more than six months or by both fine and imprisonment.

**Compensation of Health Officer.** SECTION 7. The compensation of the health officer and the inspector, if any, shall be determined by the board of health subject to the approval of the common council, and all expenses incurred in carrying out the provisions of this chapter shall be paid by said city, except as otherwise provided in this chapter.

**Duty of Practicing Physician to Give Notice of Persons Afflicted With Contagious Diseases.** SECTION 8. Whenever any physician practicing in this city shall know that any person whom he is called upon to visit is afflicted with any of the diseases mentioned in section five of this chapter or any other disease of a contagious malignant character he shall immediately give notice thereof to the board of health, and any physician who shall refuse or neglect to give such notice for a period of twenty-four hours shall be subject to a fine of not less than five dollars nor more than twenty-five dollars, for each day of such refusal or neglect after the expiration of said twenty-four hours.

**Inspector and Chief of Police to Examine Premises—Health Inspector to Examine Sewer Connections, Etc.** SECTION 9. It shall be the duty of the inspector and chief of police and each of them, whenever they may deem it necessary, and whenever they shall be so required by the board of health in order to promote the public health, to enter upon any premises and into any house to ascertain every nuisance that may exist, and examine into the condition and the number of persons inhabiting such house, and inspect the cellars, privies, cess-pools and drains of such premises, and cause the dispersion or removal of families or persons from buildings or apartments so much crowded as



to be suspected of being infected or liable to be infected with any pestilential or other dangerous disease, and to cause the abatement and removal of such nuisance in any such house, or on such premises. The inspector shall have the right to enter upon any premises and into any house to ascertain whether or not such house or premises are connected with the public sewer system of the city, and to examine into the condition and manner of the construction of such sewer connection, and to inspect the cellars, cess-pools, privies, drains, and grease-traps on such premises, and in case he finds any violation of any ordinance of the city regulating the manner of construction of such sewer connections, or in the manner in which it is being used by the occupant of any building or premises, he shall immediately report such violation to the city health officer and to the city surveyor.

**Removal of Persons Afflicted With Infectious, Etc., Diseases.** SECTION 10. The inspector and chief of police, and each of them, is authorized to remove, or cause to be removed (first being so instructed by the board of health or health officer), any person afflicted with any dangerous contagious, malignant, infectious or pestilential disease, to the city hospital, or such place as may be deemed expedient, and he shall, under the direction of said board of health, destroy any furniture, clothing or other property, or cause it to be removed or disinfected.

**Slaughtering of Animals—Disposal of Offal.** SECTION 11. It shall not be lawful for any butcher to kill or slaughter any beeves, sheep, calves, hogs or other animal within the city.

**Emptying of Drains and Sewers.** SECTION 12. No person shall permit any drain or sewer from the dwelling house, barn, stable, shop or other building upon the premises occupied by him to empty or run into any open sewer or gutter, or into any of the streets or public alleys, or upon or over any sidewalk.

**Dead Animals—Vegetable and Mineral Matter—Deposit and Removal of Same.** SECTION 13. No person shall deposit or cause to be deposited in Lakes Mendota, Monona or Wingra, or the Yahara river, or in or upon any public or private waters or grounds in the city, any dead animal, rubbish, refuse, filth, offal or any other substance that will contaminate or tend to contaminate the said waters, or that will obstruct or tend to obstruct any sidewalk, gutter, street or alley, or that will, in any manner, create any bad or noisome stench or nuisance, or that will endanger or tend to endanger the public health; and the board of health is hereby empowered to summarily remove or cause to be removed any such dead animal, rubbish, refuse,

filth, offal, or other substance so deposited contrary to the provisions of this section. Any person who shall violate any provision of this section shall be subject to a fine of not exceeding twenty-five dollars, and shall also be liable for the expense of the removal of any matter deposited contrary to the provisions of this section.

**Cess-Pools, Etc.—Construction, Cleaning and Removal of Same.** SECTION 14. No person shall construct any cess-pool, or other receptacle for filthy water, or convert any well into a cess-pool, within the limits of the city without having first obtained a written permit from the board of health. No person shall be permitted to remove or clean out the contents of any cess-pool or privy within the city, in the day time, between the first day of June and the first day of November, in any year, and only in the night time after having thoroughly applied to the matter so to be removed some disinfecting and deodorizing substance; nor shall they be permitted to place or deposit within the city limits any such substance as will create a stench, or will in any manner endanger the public health, unless such substance shall be immediately buried, so as to entirely prevent any stench arising therefrom, and so that it will not injure any well or cistern, or the waters of the lakes or of any stream running into the lakes.

**Sale of Impure Ice.** SECTION 15. No person shall be permitted to sell or offer for sale any ice cut within eighty rods of the point of discharge of any sewer, or which may otherwise be contaminated.

**Garbage Defined.** SECTION 16. The words “garbage” and “offal,” as used in this chapter, shall be held to include every refuse accumulation of animal, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meats, fish, fowl, fruits and vegetables.

**Garbage—Collection, Removal and Disposal of Same Under Direction of Street Superintendent.** SECTION 17. The collection, removal, and disposal of garbage and offal shall be conducted under the supervision, direction and control of the superintendent of streets, and in strict conformity with the provisions of this chapter, and with such additional rules and regulations as may be made from time to time by the common council or the board of health.

**Garbage Districts and Collectors.** SECTION 18. The superintendent of streets shall divide the city into garbage districts for the purpose of the collection and removal of the garbage and offal. He shall hire the



collectors in charge of each garbage district, and such additional labor as is found necessary to collect and remove the garbage and offal.

**Residents to Provide Portable Garbage Vessels—Use of Garbage Vessels.** SECTION 19. It shall be the duty of all householders, tenants, hotel keepers, boarding house keepers, retail dealers and all persons occupying dwellings within the city, to provide or cause to be provided, and at all times to keep or cause to be kept, portable vessels or cans for holding the garbage or offal, said vessels or cans to be water-tight, provided with handles, and a cover which shall not be removed except when necessary. These vessels or cans shall not exceed two bushels in size, and shall be constructed of, or lined with metal. Such cans or vessels shall be kept in the rear of the house, or in a place which is easily accessible to the collector, but shall not be placed on the sidewalk, street, alley or other public place. Such vessels or cans shall be delivered promptly to the collector, and returned by him to the place from whence they were received. It shall be unlawful for any person to place in the garbage vessels any acids, old cans, broken dishes or any dry substances whatsoever other than designated in section 16 of this chapter. Provided, however, that this section shall not apply to any person who may destroy by cremation, or other methods satisfactory to the board of health, such garbage, offal and other refuse.

**Garbage Wagons—The City Shall Own Garbage Wagons.**—SECTION 20. The city shall own its own garbage wagons for the collection and removal of the garbage and offal. These wagons shall be of suitable size, water-tight, and with metallic lining and properly covered. Such wagons shall be kept clean, and shall bear in prominent letters the words "Garbage Wagon."

**Garbage—How Often Collected.** SECTION 21. The collection and removal of the perishable garbage and offal of the hotels, restaurants and large boarding houses, groceries, butcher shops, and similar places, shall be made daily during the months of June, July, August and September; three times per week during the months of April, May, October and November; during the remaining months the collection shall occur twice per week. In the residence portion of the city the collection and removal shall occur three times per week during the months of June, July, August and September; twice a week during the months of April, May, October and November; once a week during the remaining months of the year.

**Garbage—Where Removed to.** SECTION 22. The collector shall remove the garbage and offal to a place outside of the city limits provided



by the city authorities. Garbage and offal shall be sold to farmers or buried or destroyed in any other manner satisfactory to the board of health.

**Expense of Removal of Garbage.** SECTION 23. The expense of collection, removal and disposal of the garbage and offal shall be paid by the persons who require and receive the service provided for by this chapter, and the collection thereof shall be made by the city treasurer semi-annually, in advance, on the first day of April and of October in each year, and the scale of rates shall be fixed by the chairman of the committee on streets of the common council, and the mayor and city clerk.

**Other Persons Forbidden to Collect or Remove Garbage.** SECTION 24. No person shall engage in the collection and removal of the garbage or offal within the city limits unless he be employed by the street superintendent. This section shall not be construed to prevent the destruction of the garbage as provided in section nineteen.

**Punishment for Resistance of Health Officers and for Violation of Provisions of This Chapter.** SECTION 25. Any person who shall in any way resist any health officer or other officer whose duty it shall be to carry out the provisions of this chapter, while acting in the performance of his duty, or who shall resist any such officer, while quarantining or placarding any house, or shall remove, deface or mutilate any placard placed on said premises, shall be subject to a fine of not less than five dollars and not more than fifty dollars, or by imprisonment in the county jail for not more than six months or by both fine and imprisonment.

**Spitting in Street Car.** SECTION 26. Any person who shall spit or expectorate, or deposit or place, any sputum, spittle, saliva, phlegm, mucus, tobacco juice, cigarette stumps, cigar stumps, or quids of tobacco, upon, or who shall in any manner defile or pollute, any street car or its equipment, while the same is in use upon any street, shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

**Manure.** SECTION 27. Manure from horses and cattle shall be kept in a covered water-tight receptacle which shall not be opened except while manure is being placed in or taken from the same; provided, that this section shall not apply to livery, feed or sale stables.

**Penalty.** SECTION 28. Any person violating any of the provisions of this chapter for which a penalty is not already provided herein shall be punished by a fine of not less than five dollars and not more than fifty dollars.

## CHAPTER VI.

### RESTRAINING AND REGULATING ANIMALS FOUND RUNNING AT LARGE.

**Animals Not to Run at Large.** SECTION 1. Any person, who shall permit any horse, mule, goat, cattle, sheep, swine or geese to run at large at any time, shall be subject to a fine of not less than one dollar nor more than ten dollars.

**Dogs to Be Muzzled.** SECTION 2. On the petition of five or more citizens of Madison, the board of health, if in its opinion public safety shall demand, may order that no dog, whelp or bitch be permitted to run at large within the limits of this city, for a period not exceeding thirty days, unless securely muzzled. Such order shall be made public by causing printed notices thereof to be posted in not less than fifty places within the limits of the city, and by publishing the same in the official paper.

**Duty of Police to Kill Dogs.** SECTION 3. It shall be the duty of the chief of police, each policeman, and of such persons as are authorized by the mayor, to kill all animals of the dog kind found running at large, after the publication of the order provided for in the preceding section.

## CHAPTER VII.

### RECEIPT AND DISBURSEMENT OF CITY MONEYS—BUDGET.

**Receiving of Moneys.** SECTION 1. The city treasurer shall not receive any money into the treasury from any source whatever except on account of taxes levied and collected during the fiscal year for which he may then be serving, without giving a receipt therefor in the manner herein specified.

**Receipt for Same.** SECTION 2. Upon the payment of any money to the city treasurer (except for taxes hereinbefore provided), the city treasurer shall make out a receipt for the money so received by him, and present the same to the city clerk for his signature, and file a duplicate thereof with the clerk, whose duty it shall be to countersign the origi-

nal receipt, return it to the treasurer, and place the duplicate thereof on file in his office; at the same time charging the amount thereof to the treasurer and crediting the proper account with the same.

**Payment—Treasurer to Furnish Clerk With Duplicate Receipt.** SECTION 3. The city treasurer shall hereafter, in all cases, furnish the city clerk with duplicate receipts for payments made by said treasurer, immediately upon making such payments; except for payments of certificates of appropriations, signed by the mayor and city clerk.

**Liability of Treasurer for Violation of This Chapter.** SECTION 4. Any city treasurer who shall violate any preceding section of this chapter, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars.

**Annual Budget.** SECTION 5. It shall be the duty of the finance committee of the council at or before the regular November meeting of the council in each year, to prepare and submit to the council a written statement, giving an estimate of the revenues of the city for the ensuing year; a statement of the amounts which are required by law to be set aside from said revenues for specific purposes, and providing for the expenditure of the remainder thereof for certain definite and specific purposes. Such committee may, if it shall so determine, recommend that there be set aside not more than ten per cent. of such remainder for general city purposes. Upon the presentation of such report, the common council shall take the matter under consideration, and on or before the regular December meeting in each year, shall apportion the revenues of the city remaining after deducting the amounts required by law to be paid therefrom, to such definite and specific purposes as they shall determine, provided that they may, in their discretion, set aside not to exceed ten per cent. of such remainder as unappropriated funds for general city purposes. When such appropriation is made, the moneys thus set aside, excepting such unappropriated balance, shall not be used for any other purpose without the affirmative vote of three-fourths of the members of the council, and all appropriations made by the council shall specify from what fund the same are to be paid, and no appropriations shall be made for any purpose in excess of the amount appropriated therefor, except upon the affirmative vote of three-fourths of the members of the council. In case the revenue of the city shall fall below the amount thus specifically appropriated, the appropriations shall be reduced pro rata. And in case they shall exceed the estimate, such excess shall be added to the unappropriated balance.



## CHAPTER VIII.

### PUBLIC LIBRARY.

**Establishment of.** SECTION 1. In pursuance of, and by virtue of an act of the Legislature of the State of Wisconsin, entitled: "An Act authorizing cities and villages to establish free public libraries and reading rooms," approved March 21, 1872, there shall be, and is hereby established, a free public library and reading room, for the use of the inhabitants of the city of Madison, to be known as the "Madison Free Library."

**Location.** SECTION 2. Until the library shall be removed to the building provided for in the following section, there shall be provided and set apart, under the direction of the city clerk, rooms in the city hall building, for the reception of any books that may be donated or purchased for such library, and for the use of a reading room.

**Acceptance of Carnegie Gift.** SECTION 3. The city of Madison accepts the gift of seventy-five thousand dollars, offered by Andrew Carnegie for a free library building, and assents to the conditions upon which said gift was offered, namely, that the city shall furnish a suitable site for such library building, and that the city will support the said free library at a cost of not less than \$7,500 per year. And the city of Madison obligates itself to levy and collect an annual tax for the support and maintenance of such library of not less than \$7,500.00 per year.

## CHAPTER IX.

### CEMETERIES.

**Map of Forest Hill Cemetery.** SECTION 1. The map of Forest Hill Cemetery, as made by O. H. St. G. Anson, September, 1902, and now in the office of the city clerk, is hereby declared to be the map of Forest Hill Cemetery, and the sections, lots and divisions, streets, alleys and paths, as designated and shown on said map, are hereby declared to be fixed and determined beyond alteration, except by ordinance of the common council, and then only so far as not to interfere

with private rights; subject, nevertheless, to the lotting, subdividing and numbering of such portions of said grounds as have not already been lotted and numbered.

**Sale of Lots.** SECTION 2. The disposal of the lots in Forest Hill Cemetery shall be under the control of the superintendent of the Cemetery grounds, subject to such rules and regulations as the commissioners of the cemetery and the common council may from time to time prescribe. All conveyances shall be by deed, executed by the mayor and city clerk. All deeds of lots in the cemetery shall be recorded at length, in a book to be kept for that purpose by the city clerk, and when so executed and recorded, shall vest the title absolutely in the grantee, his heirs and assigns, subject to such prudential rules and regulations as the common council may from time to time adopt. All conveyances heretofore made and so executed and recorded, are hereby declared to be valid and binding.

**Management and Control—Appointment of Commissioners.** SECTION 3. The care and management of Forest Hill Cemetery shall be vested in a board of commissioners, who shall be denominated "commissioners of the cemetery," which said board of commissioners shall have full control and management of said cemetery, and of the superintendent and sexton thereof, subject at all times to the supervision and direction of the common council. Said commissioners shall receive no compensation for their services as such. Said commissioners shall be resident freeholders of the city, and shall not during the tenure of their office hold any other city office. Said commissioners shall be appointed by the mayor, by and with the advice and consent of the common council, and shall hold their offices for the term of three years from the third Tuesday of April, in each year or until their successors are appointed and qualified.

**Appointment of Superintendent and Sexton—Salary—Their Duties.** SECTION 4. Said board of commissioners shall appoint a superintendent of the cemetery, and a sexton. Said superintendent and sexton shall hold their offices during the pleasure of the board of commissioners, and shall receive such compensation for their services as said board of commissioners shall direct. The superintendent of the cemetery under the direction of the board of commissioners, shall have the control and management of the cemetery as to the laying out and subdividing of the same and the clearing up and improving the ground and the ornamentation thereof; and shall have charge of all interments made in the cemetery.

**Expenditure of Moneys.** SECTION 5. All moneys derived in any manner from the Forest Hill Cemetery shall be kept separate from all other moneys, and shall be known as the "Forest Hill Cemetery fund;" and the said board of commissioners shall have and are hereby vested with full power to control the expenditure of this fund for the improvement of the cemetery grounds, but they shall not incur any liability nor create any debt, which cannot be fully paid and discharged by the fund then on hand, without first having submitted full and specific plans of the improvements contemplated to the common council for its approval, and if approved by the common council, the said council shall thereupon order a transfer to the cemetery fund, upon the city books, of a sum sufficient to meet such expenditures.

**Appointing Commissioner of Trust Funds.** SECTION 6. The Savings Loan & Trust Company of Madison, Wisconsin, is hereby appointed commissioner of the trust funds of Forest Hill Cemetery, under the provisions of section 1447, Wisconsin Statutes of 1898.

**Property Given in Trust to be Turned Over to Commissioner of Trust Fund.** SECTION 7. It shall be the duty of the city treasurer to issue to any person who shall pay or turn over to him for the city any money or property, the principal or income of which is given to the city, in trust or otherwise, for the improvement, maintenance, repair, preservation or ornamentation of any lot, vault, tomb, or other structure in said cemetery, a receipt, specifying the purpose to which the money or property is by the terms of such gift to be applied, and to pay over and deliver to said commissioner of trust funds the money or property so received, together with a duplicate of such receipt, and to also deliver a duplicate of such receipt to the city clerk.

**Duty of Commissioner of Trust Funds.** SECTION 8. It shall be the duty of said commissioner of the trust funds to properly invest any money or property, the income of which may be given for any of the purposes aforesaid, and on or before the first day of April of each year, to report in writing to the superintendent of the cemetery all property or funds in its hands, and all income thereon, which may be applicable for expenditure during the current year under the terms of the gift thereof, and thereupon it shall be the duty of said superintendent, under the direction of the commissioners of the cemetery, to use and expend such property and income, for the purposes so designated, and for no other purpose, and if, under the terms of the gift of any money or property, the income thereof is to be used generally for any of the purposes aforesaid, then it shall be the duty of such superintendent,



under the direction of said board of commissioners of the cemetery, to apply such income, or so much thereof as it may, from year to year, deem proper, to such purpose, the unexpended portion of such income in any year to be retained by said commissioner of trust funds, and accumulated, until such time as said superintendent, under the direction of said commissioners of the cemetery, shall deem it proper to expend the same, but in no event shall any such income be used for any other purpose than that for which given.

**Reports.** SECTION 9. Said commissioners of the cemetery shall include in their annual report a statement of all property or money received from said commissioner of trust funds, and of the purposes to which the same were applied.

**Annual Report of Board of Commissioners.** SECTION 10. The said board of commissioners shall make an annual report of their doings to the common council, and shall make a certified account of all expenses incurred by them, on or before the Monday after the first Friday of each month, which expenses shall thereupon be appropriated by the common council from the cemetery fund.

**Burials—Record of, Etc.** SECTION 11. No burial shall be permitted in Forest Hill Cemetery until the party applying for a permit therefor, shall furnish to the superintendent the name, sex, nativity, age, cause and date of death of the person to be buried, if known to such applicant, and shall pay to the said superintendent the sum of three dollars, for such interment, to cover the digging of the grave, filling the same, and for attendance at the burial, and the superintendent shall thereupon issue a permit for such burial, and shall keep a record thereof, and of the facts furnished him as aforesaid, together with the date of burial, and the number of the lot upon which such interment was made. Said superintendent shall report monthly the permits issued by him, and the facts with reference thereto, as above recorded, to the board of commissioners, together with the sums so received by him for burial fees; and said board of commissioners shall embody the reports of said superintendent in their annual report which shall be filed in the office of the city clerk, and an abstract thereof published in the official city paper; and the sums so received for burial fees as aforesaid shall be turned in and credited to the cemetery fund hereinbefore created.

**Driving in Cemetery.** SECTION 12. No person shall ride or drive in said cemetery grounds faster than a walk, nor ride or drive on other than the laid out avenues in said cemetery, under the penalty of five dollars for each and every offense.

**No Burial Unless Lot Paid For.** SECTION 13. No burial shall hereafter be permitted upon any lot in said cemetery grounds, until the lot shall be paid for.

**Portion of Cemetery Set Apart for Burial of Soldiers.** SECTION 14. All portions of Forest Hill Cemetery lying within the iron-fenced enclosure situated easterly of section twenty-nine of said cemetery and commonly known as "Soldiers Rest," and a strip 20 feet in width immediately south of said enclosure and extending the whole length thereof, are hereby set apart and dedicated for the sole use and purpose of the burial of federal soldiers; and all that portion of Forest Hill Cemetery situated southerly of the enclosure above described and lying within the stone coping enclosure erected by Mrs. Alice W. Waterman, is hereby set apart and dedicated for the sole use and purpose of the burial of confederate soldiers; with the proviso and exception, that the portion of the said enclosure, selected by the said Alice W. Waterman with the approval of the superintendent of the cemetery, be and the same is hereby conveyed to her as a burial place for herself. The cemetery commissioners are hereby authorized and directed to take the same measures for the proper care and maintenance of said enclosures as are taken with regard to lots in said cemetery purchased by private parties.

**Catlin Memorial Chapel.** SECTION 15. That part of section 30, staked out under the direction of the commissioners of the cemetery, to be set apart for use in connection with the Catlin Memorial Chapel, is hereby and forever dedicated to that use.

**Acceptance of Chapel by the City.** SECTION 16. The said chapel is accepted on behalf of the city, and it, and the grounds adjacent, set apart for use in connection with it, are hereby placed in charge of the commissioners of the cemetery, to be cared for and maintained as other cemetery property, and used under the restrictions contained in the letter donating the same, which letter is set forth in full in the preamble to an ordinance adopted by the common council, December 7th, 1878; and the good faith of the city is hereby pledged to forever maintain said chapel in suitable condition, and to faithfully conform to the letter and spirit of the letter of donation referred to in this section.

**Penalty for Injury to or Carrying Away Flowers, Etc.** SECTION 17. Any person who shall injure or deface any monument, or any tree, shrub or other plant, or who shall carry away any flowers left upon



any grave or lot in said cemetery shall be subject to a fine of not less than one dollar nor more than one hundred dollars.

## CHAPTER X.

### WATER WORKS.

**Board of Water Commissioners—Election.** SECTION 1. There shall be a board of water commissioners whose duty it shall be to have charge and management of the city water works, as provided in section nine of chapter nine of the city charter. The present members of said board shall hold their offices for the terms for which they have been respectively elected, and the common council shall annually at its regular September meeting elect one member of said board for the term of three years from the succeeding first day of October. In case of vacancy the common council may at any regular or special meeting elect a member for the unexpired term. The mayor of the city and one alderman elected by the council annually at the time of its organization, shall be *ex-officio* members of said board.

**Meetings and Organization of Board—To Keep Record.** SECTION 2. At its regular meeting in October of each year, the board of water commissioners shall organize by electing one of its members president, and by electing a secretary of the board. The regular monthly meetings of the board shall be held during the week preceding the regular meeting of the common council, and special meetings may be held at any time on call of the president, or on request of two members of the board. A majority of the board shall constitute a quorum, and such quorum shall be necessary for the transaction of business. The secretary shall keep a record of the proceedings of the board, and the president and secretary shall have authority to sign any contracts entered into by the board.

**Board of Water Commissioners—General Authority—Make an Annual Report.** SECTION 3. The board of water commissioners shall have the general management and supervision of the city water works, and all matters connected therewith, and shall have the general power and authority to appoint all officers and employes of the water department, to prescribe their duties and to fix their salaries, and to make such rules and regulations for the management of said department as it shall from time to time find necessary for the safe, economical



and efficient management and protection of the water works, and such rules and regulations shall have the same validity as ordinances, when not repugnant to the ordinances of the city, or to the constitution and laws of the state. Said board shall also make an annual report.

**Appointment of Superintendent—Bond.** SECTION 4. The said board at its regular October meeting shall appoint a superintendent who shall be the general executive officer of the water works department. He shall give a bond in the sum of two thousand dollars, conditioned for the faithful discharge of his duties, and shall hold his office for one year, unless sooner removed by said board.

(Amended by ordinance No. 1315, see p. 237.)

**Superintendent and His Duties.** SECTION 5. The superintendent shall have general supervision of the water works department, under the direction of the board of water commissioners, and shall have general supervision over the buildings, grounds, machinery, pipes, and all matters connected therewith; and shall see that all ordinances, rules and regulations of the common council or the board of water commissioners are complied with; that the conditions of all contracts by or with said department are faithfully complied with; that the assessments of the water rates are duly made, collected and paid into the city treasury. He shall keep a record of all accounts and claims for or against the said department, and of all extensions, additions, changes, alterations and attachments made to the system of water works, and of all meters and the location thereof, and he shall perform such other duties as the board of water commissioners or the common council may prescribe.

**Auditing Accounts.** SECTION 6. Accounts against the water department shall be audited by the board of water commissioners, and if approved shall be recommended to the common council for payment.

**Contracts for Lease of Water—This Chapter a Part of All Contracts.** SECTION 7. The ordinances, rules, regulations and water rates passed by the common council or adopted by the board of water commissioners, shall be considered a part of the contract with every person, company or corporation supplied with water through the water system of the city; and every such person, company or corporation by taking water shall be considered to express his or their assent to be bound thereby.

**Access to Premises.** SECTION 8. The superintendent and persons under his direction shall have free access at all reasonable hours to any premises supplied with city water, for the purposes of inspecting and examining the water service appliances.

**Connections and Pipe—Quality—Size.** SECTION 9. No service connections or other attachments to any of the water mains shall be made except by brass corporation cock not exceeding one inch in diameter, and in no case will lead pipe be allowed between the water main or stop cock weighing less per foot than as follows:

- Lead pipe  $\frac{1}{2}$  in., extra strong, 2 lbs. 8 oz. per ft.
- Lead pipe  $\frac{5}{8}$  in., extra strong, 3 lbs. per ft.
- Lead pipe  $\frac{3}{4}$  in., extra strong, 3 lbs. 8 oz. per ft.
- Lead pipe 1 in., extra strong, 4 lbs. 12 oz. per ft.
- Lead pipe  $1\frac{1}{4}$  in., extra strong, 6 lbs. per ft.
- Lead pipe  $1\frac{1}{2}$  in., extra strong, 7 lbs. 8 oz. per ft.
- Lead pipe  $1\frac{3}{4}$  in., extra strong, 8 lbs. per ft.
- Lead pipe 2 in., double extra strong, 10 lbs. 8 oz. per ft.

An air chamber is required above each faucet, and the same shall be made at least 18 inches in length.

When iron pipe is used for interior work, it must be made of quality known as extra strong, lap welded, and must be coated inside and outside with Dr. Smith's preparation, applied when both are heated to a temperature of 300 Fahrenheit.

No galvanized pipe will be allowed.

No pipe other than the above will be allowed, nor will any person using pipe other than the foregoing be allowed to connect with the water works.

**Laying of Mains and Service Pipes When Streets Macadamized.** SECTION 10. Whenever the common council shall determine to pave or macadamize any street in which any water main has not been laid it shall be the duty of the city clerk to notify the board of water commissioners of such determination, and said board shall thereupon determine whether or not a water main shall be laid in said street before the same shall be so improved; and if said board shall determine to lay a water main therein, or if a water main has already been laid therein, it shall be the duty of said board to determine what service connections shall be made with such main before the improvement of such street, and the location thereof; and it shall thereupon be the duty of such board under the direction of the city surveyor to make such service connections.

**Expense of Laying Service Pipes.** SECTION 11. The expense of laying service pipes from the main to the curb, and of connecting such service pipes with the main, shall be charged to and is made a lien upon the real estate to be served by such service pipes, and all such service pipes shall be maintained and kept in repair under the super-



vision of the water department at the expense of such property. The cost of furnishing and laying such service pipes and making such connections shall be \$15 for each such service pipe and connections of  $\frac{5}{8}$ -inch or less, and if larger sizes are required they shall be furnished at cost. No water shall be supplied until such expense has been paid. If the said expense shall not be paid within thirty days after the completion thereof, the same shall be levied and collected as a special tax upon the real estate so to be served.

**Claims Against City.** SECTION 12. No claim shall be allowed against the city, on account of the interruption of the water supply caused by the breaking of pipes or machinery, or by stoppage for repairs, on account of fire or other emergency; and no claim shall be allowed for any damages caused by the breaking of any pipe or machinery.

**Right to Open Hydrants.** SECTION 13. Only such person as shall be authorized by the superintendent of the water department or the chief engineer of the fire department shall be permitted to open any fire hydrant for any purpose whatsoever, and no one except such persons shall be permitted to take the hydrant wrenches or suffer the same to be taken from any fire engine house, except for fire department purposes.

**Water Rates—When Due—How Paid—Failure to Pay When Due.** SECTION 14. All water rents shall be paid in such manner and at such time as the board of water commissioners shall determine. All water rates, whether by schedule or meter, which shall not be paid within thirty days after the same shall become due and payable, shall be increased by a penalty of 10 per cent., and shall become a lien upon the premises receiving the service, and if remaining unpaid shall be collected as a special tax in the next annual tax roll.

**Payment for Water Used by the City.** SECTION 15. The board of water commissioners shall annually before the making of the budget, report in writing to the common council the amount which, in its judgment, should be included in the general tax levy for the benefit of the water department, and the common council shall include in the budget and in the general tax levy such sum for the benefit of such department as the common council shall determine to be reasonable.

**Surplus Revenues.** SECTION 16. Surplus revenues of the water department shall be applied in such manner as the board of water commissioners shall determine or the common council shall direct.



**Penalty, Forfeiture of License.** SECTION 17. Any plumber, pipe fitter or other person who shall violate any of the provisions of this chapter, or any of the ordinances, rules or regulations passed by the common council or adopted by the board of water commissioners relating to the water works department, or who shall turn on the water into any premises from which the water has been shut off, or into which the water has not yet been turned, or who shall connect any water main or service pipe without first having obtained a permit therefor, shall be fined not less than ten dollars, nor more than fifty dollars, and shall forfeit his license. Such forfeiture shall also operate as a suspension of the license held by any copartner in the same business, or by any other person in his employ.

## CHAPTER XI.

### STREET NUMBERS AND NAMES.

**Street Numbers.** SECTION 1. All lots and parts of lots in the city of Madison shall be numbered in accordance with a certain map now on file in the office of the city clerk, which map was prepared by the city surveyor and designated by him "A Street Numbering Map." All lots and parts of lots hereafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on said map.

**Owners to Number Buildings.** SECTION 2. It shall be the duty of each owner or occupant of any building or tenement fronting upon any street within twenty days after the adoption of this ordinance, and in case of any such building hereafter constructed within twenty days after the completion thereof, to securely attach or apply to the front of such building or tenement, in a conspicuous position, and not higher than the first or ground story of said building, so that the same can be plainly seen from the street, the proper number of such building or tenement, as inscribed upon said map, in figures not less than two inches and a half in height, and said owner or occupant shall at all times hereafter keep such numbers so attached or applied.

**Neglect to Number Buildings.** SECTION 3. If the owner or occupant of any building or tenement, required by this chapter to be numbered, shall neglect for said period of twenty days to duly attach and main-

tain the proper numbers on such building or tenement, the superintendent of streets shall serve on him a notice requiring such owner or occupant to properly number the same, and if he neglect to do so for ten days after the service of such notice, he shall be deemed guilty of a misdemeanor, and shall be subject to a fine of one dollar, and for every subsequent period of ten days for which he shall neglect to properly number his said premises as required, shall be subject to a fine of a like amount.

**Street Names.** SECTION 4. The different streets shall bear the names given on the map referred to in section one of this chapter.

## CHAPTER XII.

### WATERS AND SHORE LINES.

**Filling of Lakes and River.** SECTION 1. No person shall cast or deposit or cause to be cast or deposited in Lake Monona, Lake Mendota, or the Yahara River or any lagoon in any park, any earth, sand, stone, ashes, rubbish, filth, refuse or floating matter, or any other substance or thing that fills up or tends to fill up any portion of either of the said lakes, or of the said river or lagoons, without first having obtained the consent of the common council. Every petition or resolution for permission to fill up or fill in any portion of said lakes, or of said river or any lagoon, shall be introduced at a regular meeting of the common council, and shall be published at the expense of the person requesting such permission for at least one week before final action shall be taken thereon. Every person violating this section shall be subject to a fine of not less than ten dollars nor more than twenty-five dollars for each offense, and shall also be liable at the suit of the city for the cost of the removal from said lakes or river or lagoon of the material deposited therein.

**Filling of Lake Ends of Streets When Dock Line Established.** SECTION 2. Wherever a dock or harbor line shall be established across the end of any street, and across the lake end of any abutting land, the owner of such land shall be required, before filling the lake end of such abutting lot, to fill such street to the middle thereof, and to protect the margin of such filling so that the same shall be permanent.

In case any such lot owner shall fill any such abutting lot, and shall not so fill such street, then the common council shall order such abutting portion of said street to be so filled, and the city may recover the cost thereof of such lot owner.

**Dock Line on Lake Monona. SECTION 3.** A dock line is hereby established on Lake Monona as follows: Beginning at a point on the south-west line of Blair street (extended) four hundred and ten feet south-east of the east corner of lot ten, block 115, thence north  $67^{\circ}$ , east 385 feet to the outermost point of the timber breakwater now constructed, being back of lots 1, 2, 3, 4, and 5, block 126, and beginning at a point on the south-west line of Blair street (extended) 410 feet south-east of the east corner of lot 10, block 115, thence south  $67^{\circ}$  west 260 feet, to point of curvature; thence with  $9^{\circ}$  curve to left 275 feet on curve to tangent point, said point being 25 feet south-easterly from the center line (extended north-easterly in a straight line) of the north-west or older track of the Chicago and Northwestern Railway Company, thence parallel to and 25 feet south-east from said center line 242 feet to point opposite tangent point of said track, said last tangent point being  $192\frac{1}{2}$  feet south-east from, and at right angles to Wilson street; thence along last course south-westerly across block 270, being back or south-easterly of blocks 269, 270, and 271.

**Establishment of Further Dock Line on Lake Monona. SECTION 4.** A dock line is hereby established on Lake Monona as follows: Beginning on the north-east line of Dickinson street, 120 feet south-east of the south-east line of Morrison street, thence starting north-easterly at right angles with Dickinson street by  $8^{\circ}$  curve, to the left, 250 feet along curve turning a total angle of  $20^{\circ}$ , thence on a straight line to intersect the south-east line of Morrison street, produced, at a point 456 feet north-east from the north-east line of Dickinson street, thence turn angle  $20^{\circ}$  to the right, running along the south-east line of Morrison street, produced, 775 feet to Catfish River; then starting again at a point 80 feet north-easterly from the last named point on said south-east line of Morrison street, produced, and turning an angle of  $6^{\circ}$  to the left and running on a straight line 1,050 feet to intersect the line forming the eastern city limits at a point 1,694 feet south of the center line of the Chicago, Milwaukee & St. Paul Railway Company's tracks, at the point where the same cross the said line of city limits.

**Dock Line on Lake Mendota. SECTION 5.** A dock line is hereby established on Lake Mendota as follows: Beginning at a point on the west line of Francis street distance 520 feet north from the north line of Langdon street, thence along a  $1^{\circ}$ , 12' curve to the right, having a



radius of 4,774 feet and a chord, a line from the point of beginning to a point on the west line of Lake street distant 395 feet north of the north line of Langdon street, to the point on the west line of Lake street 395 feet north of the north line of Langdon street; thence along a 3° curve to the right with a radius of 1,910 feet and a chord, a line running from the last point described to a point on the east line of Park street distant 408 feet north of the north line of Langdon street, to the point on the east line of Park street distant 408 feet north of the north line of Langdon street.

## CHAPTER XIII.

### NUISANCES.

**Smoke Nuisances.** SECTION 1. The emission of dense smoke, soot, and ashes from any engine or from any smoke-stack or chimney anywhere within one mile in any direction from the capitol park, to the injury, detriment, hurt, or damage of property, or to the injury, hurt, annoyance, inconvenience or discomfort of the public, is hereby declared to be a nuisance, and whosoever shall permit or allow the emission of dense smoke, soot, or ashes from any such chimney, smoke-stack or engine, to the injury, detriment, hurt, or damage of property, or to the injury, hurt, annoyance, inconvenience or discomfort of the public, shall be deemed and held guilty of creating a nuisance, and any person creating such a nuisance shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars.

**Burning of Combustible Material.** SECTION 2. No person shall burn any wood, grass or rubbish or other combustible material upon the streets or upon any lot in this city, which may by the smoke or heat created by such combustion be an annoyance or discomfort to the neighborhood or to the traveling public. Any person violating this section, shall be subject to a fine of not more than ten dollars.

**Maintenance of Barbwire Fences.** SECTION 3. It shall be unlawful for any owner or occupant of land in the city to build or maintain any fence constructed wholly or in part of barb-wire along any public street adjacent to any sidewalk, or to build or maintain any barb-wire fence as a division fence between any lots or parts of lots occupied for residence purposes. Any person violating this section shall be subject

to a fine of not more than ten dollars, and each day's continuance of such fence after notice in writing by the superintendent of streets to remove the same shall constitute a separate offense.

**Noxious Weeds.** SECTION 4. The superintendent of streets, or the commissioner of noxious weeds, shall notify owners or occupants of lots in front of or upon which Canada or other thistles, *melilotus alba* (commonly called "sweet clover"), *chicorium intybus* (commonly called "chicory"), *ambrosia artemisia laepolia* (commonly called "rag weed"), *lactuca scariola* (commonly called "prickly lettuce"), *hordeum jubatum* (commonly called "squirrel tail"), *lappa officinalis* (commonly called "burdock"), white or ox-eyed daisy, snapdragon or toad flax, cockle-burr, sow thistle, sour dock and yellow dock, or any other noxious weed or weeds are growing, that they must be cut down. In case said owners or occupants shall neglect for three days to comply with such notice, said superintendent of streets or commissioner of noxious weeds aforesaid shall destroy such weeds or cause them to be destroyed, and the expense shall be charged against such lots, and be collected as a special tax thereon.

## CHAPTER XIV.

### SEWERS AND DRAINS.

**Supervision of Drains and Sewers.** SECTION 1. All drains and sewers shall be under the supervision of the city surveyor, and no sewer or drain shall be laid, and no opening into or connection therewith be made, except under his direction and supervision, and except under a written permit by him issued. For each permit to connect a private drain or sewer with a public sewer, the applicant shall pay to the city surveyor, for the use of the city, a fee of one dollar.

**Permit—How Granted.** SECTION 2. Such permit shall be granted only upon a written application by a licensed drain layer, authorized by the owner or agent of the premises desiring to make such connection, stating the name of the owner, and that he and such drain layer will be bound by and be subject to all the rules and regulations prescribed by the common council and the city surveyor, and giving the exact location of the connection proposed to be made, stating the purpose for which the drain is to be used and the time when the connection is to be made, and all other particulars in respect thereto.

**Specifications.** SECTION 3. Upon every such permit there shall be endorsed by the city surveyor the specifications for the sewer or drain purposed to be laid, and the same shall be laid in strict conformity thereto.

**Record Kept by City Surveyor.** SECTION 4. The city surveyor shall keep a record, in a book to be provided for that purpose, of the name of the owner of the premises desiring to make such connection and of the drain layer purposing to lay the same and of the exact location of the connection with the public sewer of each drain or sewer so laid.

**Making Connections Without Permit.** SECTION 5. Any person who shall make any connection with or opening into any sewer without having first obtained such permit from the city surveyor shall be subject to a fine of not more than one hundred dollars for each offense.

**Uncovering or Excavating Around Sewer, Without Permit.** SECTION 6. Any person, who shall uncover or excavate under or around any sewer for any purpose whatever, without the written permit of the city surveyor, shall be subject to a fine of not more than one hundred dollars; and the person by whom the work is done, and his employer, shall be deemed guilty of a violation of this section.

**Connections With Sewers When Streets Ordered Macadamized.** SECTION 7. Whenever an order shall be duly made by the common council for macadamizing or paving any street it shall be the duty of all lot owners to connect with the main sewers to the curb stone, on those streets where sewers are constructed, before the macadamizing or paving thereof commences, but such connection shall be made by a licensed drain layer under the direction of the city surveyor and pursuant to plans and specifications prepared by him, and not otherwise. And in case no such connection shall be so made by such lot owner the city surveyor shall cause such connection to be made, and the expense thereof shall be a lien upon such lot and shall be collected as other taxes on real estate in said city are collected.

**Draining of Rain and Surface Water into Sewers.** SECTION 8. No person shall connect or permit to be connected the down spouts of any building with, or in any other manner cause or permit rain or surface water to drain into, any sewer.

**Use of Sewers.** SECTION 9. No person shall deposit or permit to be deposited in any sewer or drain any garbage, gas tar, grease, rags, or any other substance calculated to cause any obstruction, nuisance or



explosion therein, or do any act which may cause injury thereto. Any person who shall violate any provision of this section shall, in addition to the penalty hereinafter provided, be liable at the suit of the city for the cost of removing such obstruction and of repairing any injury resulting therefrom.

**Sewage Not to be Discharged into Lakes, Etc.** SECTION 10. It shall be unlawful for the owner or occupant of any real estate to discharge sewage therefrom into the waters of Lakes Mendota, Monona, Wingra or the Yahara river, or into any sewer connected with or discharging into said lakes or river, or to permit the same to be so discharged from such premises; provided, that this section shall not apply to sewers already constructed and in operation from real estate in said city not accessible to a public sewer, until such time as a public sewer shall be constructed which shall be accessible from such real estate.

**Character of Drain Pipe.** SECTION 11. In all cases, except where otherwise directed by the city surveyor, the drain pipe extending from the main sewer to the inside of the building, or if not taken into the building, then to any other place which it is intended to drain, must consist of good, salt glazed vitrified earthenware pipe, and be subject to the approval of the city surveyor.

**Laying of Drain Pipe.** SECTION 12. Except where otherwise directed by the surveyor, the least inclination that will be allowed for water-closet, kitchen and all other drains of not over six inches in diameter, liable to receive solid substances, is one-half an inch in two feet, and for cellar or other drains to receive solid substances, is one-half an inch in two feet and for cellar or other drains to receive water only, is one-quarter of an inch in two feet. All drains shall be laid at a grade of not over one-half an inch in two feet between the sewer and the sidewalk; and the whole must be examined by the city surveyor or by some inspector designated by him before it is covered up.

The ends of all pipes not to be immediately connected with water-closets, sinks, or catch basins, are to be securely closed against the introduction of sand or earth, by brick or cement, and all joints along the entire length of the drain are to be securely and completely bedded and covered in good hydraulic cement so as to prevent the escape of water, sewage or gas.

The inside of every drain, after it is laid, must be left smooth and perfectly clean through the entire length, and on a true and uniform grade.

The drain pipe will not be permitted to be laid nearer than eighteen inches to any water service pipe.

When any change of direction is made in a drain, either in a horizontal or vertical direction, the same shall be made upon a curve and no pipe shall in any case be clipped.

Drain pipes shall not be placed on wood or other perishable material.

In case a water or gas pipe should come in the way of a drain, the question of passing over or under the water or gas pipe, or of raising or lowering such drain, shall be determined by the city surveyor.

**Catch-Basins, Traps, Etc.** SECTION 13. When packing houses, butchers' shops, lard rendering establishments, hotels or eating houses are connected with the sewers, the dimensions of catch-basins will be required to be as directed by the city surveyor.

No catch-basin shall be built in a public street, but must be placed inside the line of the lot to be drained, excepting that the same may be placed under a sidewalk when the space under the walk is excavated and used as a vault.

Good and sufficient running traps must be placed on each house drain before the same enters any house or building.

**Restrictions.** SECTION 14. No privy vault, and no exhaust from any steam engine and no blow off from any steam boiler shall be directly or indirectly connected with any public drain or sewer.

No drain layer shall allow his name to be used by any other person or party, directly or indirectly, either for the purpose of obtaining permits, or of doing any work under his license.

**Penalty.** SECTION 15. Any drain layer who shall be guilty of a violation of any of the provisions of this chapter shall be deemed to have forfeited his license; and any person violating any of the provisions of this chapter for which a penalty is not already provided, shall be subject to a fine of not less than five dollars or more than one hundred dollars.

## CHAPTER XV.

## STREETS, ALLEYS, SIDEWALKS AND GUTTERS.

**Superintendent of Streets to Keep a Record.** SECTION 1. It shall be the duty of the superintendent of streets to keep a permanent record of all work ordered and performed, contracts let, and notices given by him in behalf of the city, and to deliver such record to his successor in office at the expiration of his term of office.

**Sidewalk Inspector.** SECTION 2. The superintendent of streets shall appoint a suitable person as sidewalk inspector for such length of time in each year as he shall deem necessary, whose compensation shall be fixed by the common council.

**Street Assessment Committee.** SECTION 3. Until a board of public works shall be established, the mayor, the city surveyor, the city clerk, the chairman of the street committee and the city attorney shall be and they are hereby designated and appointed to perform all duties, in such sections of chapter 40a, Wisconsin Statutes of 1898, and the amendments thereto, as have already been or shall hereafter be adopted by the city of Madison, to be performed by the so called board of public works, and that said officers shall be designated the street assessment committee.

**Placing of Building Materials on Streets, Etc.—Permit Must Be Had.** SECTION 4. No person shall place or cause or procure to be placed any stone, timber, plank, boards or other material for building, in or upon any sidewalk, street, alley or public ground, without first having and obtaining a permit therefor in writing, as hereinafter provided.

**Permit—Mayor and Superintendent of Streets to Grant Same—Time of—May be Extended.** SECTION 5. The mayor and superintendent of streets are hereby empowered to grant to any person a written permit to place and keep any building materials in and on any of the sidewalks, streets, alleys, or public grounds, for a period not exceeding three months, upon the written application of such person where, in their discretion, such permit will not unreasonably interfere with the public safety and convenience; but such permit shall not authorize the obstruction of more than one-half of any sidewalk or of more than one-third of the carriage



way of any street opposite the premises of the person to whom such permit is granted; and no such permit shall authorize the leaving of less than twelve feet between the obstruction thereby authorized and the track of any street railway in said city. In any case, the mayor and superintendent of streets may in their discretion extend any permit for the deposit of building material, previously granted by them, upon like application to that herein prescribed, for a period of time not exceeding thirty days beyond the original time limited; provided, that no such permit shall be extended in all more than four months beyond the time originally limited thereby. No further obstruction than that authorized by this section shall be permitted except by resolution or ordinance of the common council, which resolution or ordinance shall specify the conditions under which the privilege thereby granted is to be enjoyed.

**Permit Granted Only Upon Written Application—What Application to Contain.** SECTION 6. No permit shall be granted under section 4 of this chapter excepting upon a written application therefor by the person seeking the same, which application shall distinctly specify the place, by lot, block, and street, at which such obstruction is desired to be placed, and the character of the obstruction for which permission is sought; and shall further undertake to save the city harmless from any injuries which may be incurred by the deposit of such material pursuant to the permit desired.

**Obstructions to Be Lighted at Night.** SECTION 7. The person to whom such permit is granted shall cause the obstruction so permitted to be properly lighted at night in such manner as to warn all persons traveling upon said street, sidewalk or alley of such obstruction, so long as such obstruction shall remain.

**Penalty.** SECTION 8. Any person who shall deposit or cause to be deposited any such material upon any of the sidewalks, streets, alleys or public grounds of said city without the permit above prescribed, or who having obtained such permit shall fail to remove or cause to be removed all such material and the rubbish arising therefrom from the sidewalk, street, alley or public ground, at the expiration of the time limited as aforesaid, or shall fail to light the same as herein required, shall be subject to a fine of not less than three dollars, nor more than twenty-five dollars.

**Moving of Buildings—Permits Must Be Had.** SECTION 9. No person shall remove or cause or permit to be removed or shall aid or assist in removing any building into, or along, or across any street in this city

until the owner or contractor shall have first filed with the superintendent of streets application for a permit for such removal. Said application shall describe the building to be removed and the point to which it is to be removed and the exact route to be taken; said application shall also be accompanied by a certified check in the sum of twenty-five dollars, and shall be conditioned that all damages done to any street or sidewalk by the moving of such building shall immediately be repaired by the petitioner, and on his failure so to do within twenty-four hours after such damage has been committed, the superintendent of streets may cause such repairs to be made and the cost thereof to be deducted from said deposit. Said deposit and no part thereof shall be returned until all injuries caused by the removal petitioned for have been repaired or paid for as above provided. Such removal shall be completed within such reasonable time, not exceeding ten days, as shall be limited by the permit above prescribed; provided, that the superintendent of streets may extend such time when necessary, for a period not exceeding ten days. Said building shall be lighted during the night time during such removal. Each forty-eight hours during which such obstruction shall not be removed after such permit shall expire, and each night during any part of which the same shall not be lighted, shall constitute a separate offense.

**Penalty.** SECTION 10. Any person violating any provision of section nine of this chapter shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each offense.

**Persons Receiving Permit Liable to City for Damages.** SECTION 11. The person applying for and receiving such permit prescribed in section eight of this chapter shall be liable, to the city for any damage for which the city shall be liable and for any expense incurred by the city in the performance of any of the things required to be done by the person receiving such permit in the removal of the building, or in any other manner, to the total amount of any such damage or expense.

**No Excavation to Be Made Without Permit.** SECTION 12. No officer or agent of the city and no person, firm or corporation shall make, or cause to be made, any excavation in or under any street, alley or sidewalk in the city, without first obtaining from the city clerk a written permit for the making of such excavation, which permit shall state the facts hereinafter required to be stated in the application therefor.

**Permit—How Issued—Application for Same.** SECTION 13. Such permit shall be issued only upon a written application signed by the person, firm or corporation desiring to make such excavation, and shall



describe the place where such excavation is proposed to be made with such certainty that the same may at all times be readily located, and shall specify the purpose for which said excavation is to be made, and when it is proposed to begin making the same. In case such excavation is to be made by the city, or any department thereof, then such application shall be signed by the superintendent of the department under whose directions the work is to be done. All such applications shall be numbered and filed by the city clerk.

**Undertaking—What to Cover.** SECTION 14. In case such excavation is not to be made by the city, or one of the departments thereof, then such application shall contain an undertaking on the part of the person, firm, or corporation proposing to make the same, that, in consideration of being permitted so to make such excavation, such person, firm or corporation will leave the street, sidewalk, or alley in as good condition as the same was in when the work was commenced, and that he or they or it will at all times keep the place where such excavation is made properly guarded by day and lighted by night so as to sufficiently warn travelers, and will save the city harmless from any and all damages, costs and charges that may accrue from the applicant's use of such street, sidewalk or alley.

**Clerk to Keep a Record of Permits.** SECTION 15. A record of all permits issued under the provisions of this chapter by the city clerk shall be kept by him, which record shall state the name of each applicant, the name of the person, firm or corporation, or superintendent of the department of the city, to whom the permit thereon was issued, and shall also contain the facts as to location, purpose of excavation, and time when the work is to begin, required to be stated in the application, which record shall be open to public inspection.

**Excavation in Macadamized Streets—How Made and Filled.** SECTION 16. When excavations are made in a macadamized street, they shall be made and filled in the manner following, and not otherwise: The excavation shall not be larger, and shall not be left open longer, than the necessities of the work demand; all earth, stone, and screenings excavated shall be used in refilling the excavation, unless a pipe or main shall be placed therein exceeding eight inches in diameter; such earth, stone and screenings shall be carefully separated, and shall be replaced in the proper order; in replacing the same, water shall not be used except upon the written permission of the city surveyor, and such earth, stone and screenings respectively shall be thoroughly and properly tamped, so that upon the completion of the work the street is left in as good condition as the same was in before the excavation



was made. When such excavations are made in a street not macadamized or improved, the same shall be refilled in such manner as to leave the street in as good condition as the same was in before the excavation was made.

**Street Committee to Inspect Refilled Excavations and Report.** SECTION 17. The street committee shall once in every two months inspect, or cause to be inspected, all work of refilling excavations done during the preceding two months, and shall report to the common council all cases wherein depressions exist, or the work otherwise appears to have been improperly performed, stating the place where such improper work was done, whether a license was issued for the doing of the same, and the name of the person, firm or corporation by or for whom the work was done, giving, in case the work was done for the city, the name of the superintendent of the department thereof having charge of the same.

**Penalty for Violating Sections 12, 13, 14, and 16.** SECTION 18. Any person, firm or corporation who shall violate any of the provisions of sections 12, 13, 14, and 16 of this chapter shall be subject to a fine of not less than five nor more than fifty dollars.

**Encroachments on Streets.** SECTION 19. No person shall hereafter construct any steps, stairs, building, fence, bay-window, platform, trap-door, cellar-door, area, balcony, cornice or other encroachment or obstruction upon or in any street, alley or public ground, without the previous consent, by ordinance, of the common council. Any person who shall violate the provisions hereof shall be subject to a fine of not less than five dollars nor more than one hundred dollars, and each twenty-four hours' continuance of such encroachment or obstruction shall constitute a separate offense.

**Failure to Remove Encroachment.** SECTION 20. If any person shall fail after notice by the common council to remove any such encroachment or obstruction heretofore made by the express consent of the common council or otherwise, he shall be subject to a fine of not less than five dollars nor more than one hundred dollars, and each twenty-four hours' continuance of such encroachment or obstruction after the time fixed by the common council for such removal shall constitute a separate offense.

**Poles Erected—Subject to Regulations and Alterations.** SECTION 21. The city shall have the right at any time to designate the location of all telephone, telegraph, electric, railroad or street railway poles

and posts erected on or in the public streets and alley and may from time to time direct any alteration in the location of such poles or posts, the height thereof and the height at and the manner in which all wires thereon shall be run. Any such alteration shall be made at the cost of the owner or owners of such poles and posts, but before any alteration is made at least five days' notice in writing shall be given the president or local officer in charge of the company or to the person or persons affected by the proposed alteration, and reasonable opportunity shall be afforded such person or persons or the representatives of such company or any citizen interested, to be heard thereon. When any such alteration shall be ordered, said company shall, within five days thereafter, commence such alteration and complete the same as soon as practicable thereafter, and upon failure so to do the city may perform said work at the proper charge or cost of the owner of said poles, posts, or wires, and the said person, persons or company shall be deemed guilty of a misdemeanor and shall be subject to a fine of not exceeding one hundred dollars.

**Poles—Material and Height.** SECTION 22. All poles or posts of iron or other metal shall be of such height and pattern as shall be approved of by the mayor, the city surveyor and the superintendent of streets; if of wood, all such poles or posts shall be of sound timber of uniform size and shape and they shall be thoroughly painted black for a distance of eight (8) feet above the ground, and from that point to the top they shall be painted white or green, and all telephone or telegraph poles or posts within a distance of one mile from the capitol park in said city shall be at least thirty-two feet in height above the ground, and the wires thereon shall not be less than thirty feet above the ground, but said telephone or telegraph poles and wires shall be of a greater height whenever ordered by the mayor, city surveyor and superintendent of streets. All other electric poles, posts and wires shall be of such height as the mayor, city surveyor and superintendent of streets shall direct.

**Poles Not to Be Erected Without Permission.** SECTION 23. Before any person, persons, corporation or association shall erect any telegraph, telephone, electric or railway poles or posts upon any street or alley, they shall submit to the mayor, city surveyor and superintendent of streets the route of their proposed line or lines, or any extension thereof, stating the name of the street or streets to be occupied, or if an alley, the number of the block, and as far as practicable the location of each pole or post, and the number and location of the wires, and no such pole or posts shall be erected until permission shall be first obtained from the mayor, city surveyor and superintendent of



streets; provided, however, that no additional poles or posts shall be erected on State street or the public highways bounding the capitol park.

**Poles—Use of Alleys for Erection of.** SECTION 24. Whenever in the judgment of the mayor, city surveyor and superintendent of streets the use of any alley for the purpose of erecting the poles or posts herein mentioned is practicable, such poles or posts shall be placed upon and along said alley instead of upon and along a public street. When the poles are set in any alley, they shall be located as near the side lines as practicable, and in such manner as not unreasonably to incommode the public or the adjoining proprietor, or resident.

**Poles—Erected in Streets.** SECTION 25. Whenever such poles or posts are erected in a street, they shall be placed in all cases, unless specially directed otherwise by the mayor, city surveyor and superintendent of streets, on the outer edge of the sidewalk just inside of the curbstone, and on the line dividing the lots one from another; and in no case to be so placed as to unreasonably incommode the public or the adjoining proprietor or resident, or to disturb the drainage of the street, or interfere with or damage the trees or other public or private property on the line of the street or alley where such poles or posts shall be erected, unless the consent of the owner of said trees or other property and of the mayor, city surveyor and superintendent of streets shall have been obtained.

**Poles—Resetting of, When Streets Regraded.** SECTION 26. Whenever any street, on which any of said poles or posts shall have been set, shall be graded or paved, all said poles or posts shall be reset immediately so as to conform to the street as reconstructed, and the owner or owners thereof shall immediately put in order all those parts of the streets, alleys, sidewalks or public grounds so used.

**Right Reserved to City to Grant Right of Way for Erection of Poles, Etc.** SECTION 27. The city expressly reserves the right to grant the right of way to, in, and upon the streets, sidewalks, alleys and public grounds of said city for the erection, maintenance and use of the necessary poles or posts and wires, to any telephone, telegraph, electric or railway company, the same not to interfere with the proper use of the rights heretofore granted.

**Right Reserved to City to Grant to Others Use of Poles Already Erected—Compensation.** SECTION 28. The city also reserves the right to allow or grant to any person, persons, corporation or association other than the owner of said telegraph, telephone, electric



or railway poles or posts, the right to use such poles or posts, provided said use of said poles or posts shall be subordinate to the primary use of the owner or owners thereof, and provided further, that such use by any person, persons, corporation or association, other than the owner, shall be on the payment of a reasonable compensation or such compensation as the common council shall determine, to such owner for the use of such poles or posts. When there is a line of poles or posts on the street, the mayor, city surveyor and superintendent of streets shall not grant permission for the erection of an additional line of poles or posts, if the use by the applicant of the poles or posts already erected shall be practicable.

**Wires—Right Reserved to City to Have Same Placed Under Ground.**

SECTION 29. The city reserves the right at any time to order any or all wires heretofore or hereafter run in said city, to be cabled or to be placed underground, and to order poles and posts supporting the same to be removed from the public highway. On the failure of the owner thereof to comply with the said order within the time therein designated, the common council may order the same to be summarily removed.

**Conduits—Right of City to Locate and Alter Conduits.**

SECTION 30. The city shall have the right at any time to designate the location of all conduits, manholes, distributing posts and other necessary appliances for the purpose of laying or protecting telephone, telegraph, or other electric wires in the public streets, alleys or other public places and reserves the right for good and sufficient cause to order alterations in the location of such conduits and appliances connected therewith. But before any such alteration is made, at least five days' notice in writing shall be given the president or local officer, in charge of the company, or person, or persons, affected by the proposed alteration, and reasonable opportunity shall be afforded such person or persons, or the representative of such company, or any citizen interested, to be heard thereon. When any such alteration shall be ordered, the owner or owners of the said conduit shall within ten days thereafter commence such alteration and complete the same as soon as practicable thereafter. Upon failure so to do, the city may perform said work at the proper charge or cost of the said owner or owners, and the person, persons, or company failing to comply with said order shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not exceeding one hundred dollars.

**Conduits, Manholes, Subject to Approval.** SECTION 31. All conduits, manholes and all other appliances or fixtures shall be of such material,

size and dimension's as shall be approved of by the mayor, the city surveyor, and the superintendent of streets.

**Location of Same.** SECTION 32. Before any person, persons, corporation or association shall lay a conduit for telephone, telegraph, or other electric wires in or upon any street or alley, such person, persons, corporation or association shall submit to the mayor, city surveyor, and superintendent of streets, the route of the proposed conduits, stating the name of the street, or streets, or if any alley, the proper designation thereof, and the exact line and location of the proposed conduit—its distance from the gutter, its depth, the manner of laying the same and of carrying said wires or cables, and the location of the manholes and distributing posts. No such conduits shall be laid until the written consent and approval of the mayor, city surveyor, and superintendent of streets shall be first had.

**Conduits—How Laid.** SECTION 33. Such conduit shall be laid so as not to disturb the drainage of the street or interfere with, or damage the street, or water or sewer pipe, or other public or private property. When such conduit comes in contact with any water, sewer, gas or other pipe, it shall be laid as directed by the city surveyor. Nothing herein contained shall prevent the laying of such conduit under any street or electric railway. It shall be the duty of the mayor, city surveyor and superintendent of streets to see that such conduit is laid sufficiently deep, so that it shall not be necessary thereafter to relay said conduit in improving the street, but if in grading or improving any street in which any such conduit shall have been laid, it shall be necessary to lower said conduit, it shall be done at the expense of the owner or owners thereof. It shall be the duty of the person laying said conduit to immediately follow the opening of the ditch with the laying of the conduit, and not more than one block of ditch shall be opened at one time. The ditch shall be refilled as directed by the city surveyor, and in compliance with the preceding provisions of this chapter. If at any time after the work is completed the street is defective by reason of laying such conduit, it shall be repaired at the cost of the person, persons, corporation or association laying the same.

**Mayor, City Surveyor and Superintendent of Streets to Act as One Body—Their Proceedings—Failure to Agree.** SECTION 34. In all matters relating to poles, wires and conduits by this chapter referred to the mayor, city surveyor and superintendent of streets they shall act as one body, the mayor being chairman thereof, and their proceedings, decisions and orders shall be reduced to writing, and shall be signed and filed with the city clerk, who shall report the same from time to



time to the common council, and should they fail to agree in any matter herein referred to them for their decision, the said matter shall be referred to the common council for its decision.

**Right of City to Use Poles and Conduits for Stringing Wires.** SECTION 35. The city shall have the right to use without charge the upper arm of any pole or post, or any conduit erected or laid in the streets, alleys or other public places of said city, for the purpose of stringing thereon or for laying therein a wire or wires for the exclusive use of the city departments; and no such pole or posts or conduit so used shall be removed until the chief of police and chief of the fire department shall have been seasonably notified of such contemplated removal.

**Persons Erecting Poles or Laying Wires Shall Agree to Save City Harmless.** SECTION 36. Every person, corporation or association erecting any poles, posts or wires or laying any conduits herein mentioned shall, before commencing the erection of said poles or posts, and before the stringing of said wires or the laying of said conduits, file an agreement with the clerk of said city, to save the city harmless of and from any and all injury and damage of any kind caused or occurring thereby, or by reason of the negligent management or default of said persons, corporation or association or its or their agents, in the construction, management or operation of said poles, wires or conduits, and also an agreement giving to the city the use of the upper arm of all poles or posts and the use of all conduits as hereinbefore prescribed.

**Wires and Conductors—How Placed and Protected.** SECTION 37. All wires and conductors herein provided for must be so carried, placed and protected as to be free from all danger of communicating fires by means of contact with other wires or conductors or of injuring in any manner public or private property.

**Section Relating to Poles and Wires and Conduits Deemed a Part of All Franchises Heretofore or Hereafter Granted.** SECTION 38. The erection of any of said poles or posts or the stringing of any of said wires or the construction or laying of any such conduits in this chapter mentioned shall be deemed an acceptance by the person, persons, corporation or association so erecting said posts or stringing said wires or laying such conduits, of all the conditions and provisions in this chapter contained. And sections 21 to 37, inclusive, of this chapter, so far as applicable, shall be deemed and become a part of all franchises heretofore or hereafter granted, for telephone, telegraph or other electrical purposes.



**Sections 21 to 37, Inclusive, Not to Prevent City Prescribing Other Modes of Conducting Wires.** SECTION 39. Nothing contained in sections 21 to 37, inclusive, of this chapter shall be construed so as in any manner to affect the right of the city in the future to prescribe any other mode of conducting such wires over or under its thoroughfares. The terms and provisions of the said sections shall apply as well to renewals of or changes in existing lines as to the original construction of any line of poles, posts, wires or conduits in said city, and no such lines of poles, posts, wires shall be erected or conduits laid unless intended for present use.

**Penalty for Violation of Sections 21 to 37, Inclusive.** SECTION 40. Any person, persons, corporation or association violating any of the provisions of sections 21 to 37 inclusive of this chapter shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than one hundred dollars for each separate offense; and the mayor shall immediately order and cause to be removed all poles, posts, wires or conduits erected or laid contrary to any of the provisions of said section.

**Construction of Sidewalks.** SECTION 41. Except upon special authority obtained from the common council, no new sidewalk upon any street, the grade of which shall have been established, and which shall have been improved by paving or macadamizing, shall be constructed, and no old sidewalk shall be substantially reconstructed upon such street unless such new or reconstructed sidewalk shall be of cement, and constructed in substantial accordance with the following specifications: The natural soil or present surface shall be removed, regulated and graded to the depth of twelve inches below the level of the finished surface of the sidewalk. Perishable or objectionable material shall be removed. On the surface so graded and compacted by wetting, rolling or ramming, there shall be spread a layer of clean, firebox cinders or gravel for the total width of the walk, and such a depth as will give after compacting a thickness of seven inches, this layer to be thoroughly compacted. Upon the foundation thus prepared, there shall be placed a layer of concrete four inches in depth, made by mixing one part by volume of American Portland cement, three parts by volume of clean sharp sand, and five parts by volume of clean, broken stone, that will pass through an inch and one-half ring. Before the concrete shall have set, there shall be placed on it a wearing coat one inch in thickness, made by mixing one part by volume of American Portland cement with one and one-half parts by volume of crushed granite screenings. Before this surface shall have set, it shall be given a

“brush” finish, or a corrugated finish, as the city surveyor may direct. The cement walk shall be cut into blocks of such sizes as the city surveyor shall direct, the edges of the blocks to be parallel or at right angles to the street lines. The cutting must extend entirely through both layers of concrete, and the separation into blocks must be perfect and distinct. Said cement walks upon all residence streets shall be not less than five feet, four inches wide, and unless the city surveyor shall so direct, shall not exceed that width; upon business streets such walks shall be of such width as shall be directed by the city surveyor. Any person violating any of the provisions of this section shall be subject to a fine of not less than five and not more than one hundred dollars.

Amended by ordinance 1336, see p. 238.

**Sidewalks—Prompt Repair of—Notice—Duty of Superintendent of Streets.** SECTION 42. When any sidewalk shall be defective or in want of repair, or for any reason unsafe for public travel, any person may give notice thereof to the superintendent of streets. If upon examination the superintendent of streets shall find such walk to be defective, it shall thereupon be the duty of said superintendent to forthwith serve notice in writing upon the person whose duty it is to keep said sidewalk in good order and repair, to repair, and restore the same to a suitable condition for travel within seventy-two hours from the date of the service of said notice.

**Sidewalks—Failure to Promptly Repair.** SECTION 43. Any person whose duty it shall be to keep such sidewalk in good order and repair, who having received the notice provided for in the preceding section, shall fail or neglect for the space of three days from the date of service of such notice to repair such sidewalk, and to restore the same to a suitable condition for travel, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than five dollars nor more than fifty dollars.

**Failure to Construct—Duty of City Surveyor.** SECTION 44. Whenever the publication of an ordinance for the construction of a sidewalk shall have been completed for thirty days, it shall be the duty of the city surveyor to notify the city clerk, in writing, whether the whole or any part and what part of said sidewalk remains unbuilt in accordance with said ordinance.

**Sidewalks—Construction—Sealed Proposals.** SECTION 45. If such sidewalk or any part thereof shall not have been so built, the city clerk shall advertise in the official paper of the city, not less than ten days, for sealed proposals to construct such sidewalk or part of side-



walk. If no proposal is received and accepted by the common council, the city clerk shall, at any time when directed by the common council, re-advertise for such proposal.

**Sidewalks—Bidders, Contracts With—Damages.** SECTION 46. Every bidder to whom a contract to build a sidewalk shall be awarded, shall, within five days of such award, enter into a contract in accordance with the ordinances and terms of the bid, to complete the work within twenty days thereafter and shall secure the performance thereof by a bond in the sum of five hundred dollars, with one sufficient surety, to complete the work within twenty days thereafter. In case such bidder shall fail to so enter into such contract within said five days, the contract may be let to the next lowest bidder, or re-advertised, at the option of the common council, and the bidder shall pay to the city, as liquidated damages, the sum of ten dollars.

**Character of Bid—Surety.** SECTION 47. No bid or proposal, mentioned in the two preceding sections, shall be received or considered unless it contains a stipulation in writing, signed by the bidder, that, in case such bid is accepted and the contract awarded thereon, such bidder will, within five days after such award, sign the bond mentioned in the preceding section and enter into a contract to complete the work bid for in twenty days thereafter, and that, in case such bidder shall fail to enter into such contract within the five days, the bidder will pay to the city ten dollars as liquidated damages, and a like sum in case he shall fail to carry out such contract as agreed to. Every such surety shall be a resident of the city and shall annex to such bond an affidavit that he is worth five hundred dollars over and above all debts, liabilities and exemptions.

**Duty of Surveyor—Grade.** SECTION 48. Whenever a sidewalk shall be ordered to be built, the city surveyor shall immediately survey and stake out the location and grade of the same in case a grade has been established; and where no grade has been established as ascertained by the records, he shall prepare and report a grade for the approval of the common council, and when the same shall be established shall stake out the sidewalk as ordered by the council, and no sidewalk shall be laid under the provisions of the seven preceding sections until a grade therefor has been established by the common council.

**Merchandise, Fuel, Etc., Not to be Placed on Sidewalks.** SECTION 49. Except as provided in this chapter, no person shall place or deposit on any sidewalk or in any street, any cask, box, crate, wood, stone, plank, boards, goods, wares, merchandise, ashes or other sub-



stances or materials under the penalty of two dollars for each offense, and the person placing or depositing the same, and the occupant of the premises in front of which the same shall be permitted to remain, shall be subject to a fine of two dollars for each and every two hours such material shall remain after written notice by the mayor, superintendent of streets or a police officer, to remove the same.

**Exceptions to Section 49. SECTION 50.** But it shall be lawful for any person to place or set out for sale any goods, wares and merchandise on the sidewalk in front of and within three feet of his store or building; to place and leave, for a period not exceeding two hours on three feet of the outer edge of the sidewalk in front of his store or building, dry goods, wares and merchandise or groceries which he shall be in the act of receiving or delivering; and on residence streets, to place and leave in the street in front of his dwelling for a period not exceeding twenty-four hours and not less than two feet nor more than seven feet from the curb, any fire wood or other material for fuel.

**Awnings—How Constructed. SECTION 51.** No person shall permit or maintain any awning now built and extending over any sidewalk at a height of less than six feet six inches above the sidewalk; and all awnings extending over any of the public streets or sidewalks hereafter constructed, shall be covered with canvas or other light and suitable material, and shall be at least seven and one-half feet in height at the lowest point thereof above the top of such street or sidewalk over which such awnings extend; and when an awning extends over the entire sidewalk it shall be placed on iron posts of suitable size, which shall be firmly and securely fastened at the outer edge of the sidewalk.

**Awnings—Must be Erected in Accord with Plan of City Surveyor. SECTION 52.** The city surveyor shall prepare and submit to the common council plans and specifications for one or more styles of awnings, and when such plan or plans shall have been so submitted and adopted they shall be filed in the office of the city clerk, and thereafter no awnings shall be erected except in accordance with such plans and specifications.

**Penalty. SECTION 53.** Any person who shall erect or maintain any awning or awning post contrary to the provisions of the two preceding sections, or who shall refuse or neglect after written notice by the superintendent of streets forthwith to remove any awning or awning post, erected or maintained contrary to the provisions of the two preceding sections, shall be subject to a fine of not less than one dollar

nor more than five dollars, and each day during which any such awning or post shall be maintained after such notice shall constitute a separate offense.

**Signs, Show Bills, Etc., Not to Hang or Project Over Sidewalk.** SECTION 54. No owner or occupant of any store or building, shall fix, hang or erect, or suffer to remain fixed, hung or erected, any sign, show-bill, show-case, canvas or other thing projecting or hanging over the street or sidewalk more than three feet in front of, and from the wall of such building. Any person violating the provisions of this section shall be subject to a fine of not less than one dollar nor more than five dollars and each day's continuance thereof after written notice by the superintendent of streets to remove the same shall constitute a separate offense.

**Persons Not to Congregate on or Sell Merchandise on Streets or Sidewalk.** SECTION 55. No persons shall congregate on streets or street corners or sidewalks so as to obstruct the same, nor shall any person or persons use any sidewalk as a place for vending, selling or dealing in merchandise, under the penalty of not less than one dollar nor more than five dollars.

**Crossings—Obstruction by Trains.** SECTION 56. It shall be unlawful to permit or allow any railway train, engine or car to stand or be upon any street or railway crossing to the obstruction of public travel thereon for a greater length of time than five minutes without opening said street or crossing for at least ten minutes. Any conductor, engineer, fireman or brakeman on any train so obstructing any street or railway crossing, or any yard master, flagmen, switchman or section hand who shall allow and be responsible for such obstruction, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars; and the corporation running or operating any such train, engine or cars so obstructing any street or railway crossing shall be subject to a fine of not less than twenty dollars nor more than two hundred dollars for each offense.

**Crosswalks—Obstruction by Wagons, Etc.** SECTION 57. Any person unnecessarily obstructing any street, alley, crosswalk or sidewalk with any horse, sleigh, wagon, cart or other vehicle shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

**Glass, Etc., Not to be Thrown on Streets—Penalty.** SECTION 58. No person shall deposit, or permit to be deposited in or upon any street, alley or driveway, or in or upon any road or pleasure drive



which is under the police jurisdiction of the city, any glass, crockery, nails, tacks, pieces of metal, wire, brier, thorn, broken stone or other articles liable to injure the wheels or tires of vehicles. Any person violating the provisions of this section shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

**Stone. Rubbish, Etc., Not to be Scattered on Streets.** SECTION 59. No person shall haul any rubbish, ashes, earth, sand, stone or other material liable to become scattered on the streets, except in a vehicle provided with a box well closed so as to retain such material, and no person shall scatter or permit to be scattered any such materials upon any such street. Any person who shall violate any of the provisions of this section shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

**Removal of Boat Houses, Etc., from Lake Ends of Streets—Duty of Superintendent of Streets.** SECTION 60. Every person, owning or maintaining upon any portion of any street, or opposite any side or end of any such street, at the shore of any lake adjoining the city, or elsewhere on any public grounds, any boathouse, is hereby required to remove such boathouse within ten days after written notice to remove the same, given by direction of the common council. The superintendent of streets is hereby directed and required to remove any such boathouse which shall not be removed within the time limited in such notice, and to cause the contents of such boathouse, if any, to be stored at the expense and subject to the call of the owner thereof. Any person who shall violate any of the provisions of this section shall be subject to a fine of not less than one dollar nor more than five dollars for every day said boathouse shall remain after the time fixed in such notice.

**Gutters, Repair of.** SECTION 61. The owners of all lots or pieces of ground opposite which gutters are or may be constructed, shall keep the same in good repair, and if any such owner shall neglect to repair any gutter which he is required to repair by the provisions of this section, he shall be subject to a fine of not less than one dollar nor more than five dollars, and if such owner shall fail properly to repair such gutter after notice given by the superintendent of streets so to do, such superintendent shall cause the same to be repaired and the costs of such repairs shall be levied and collected as a special tax upon the lot or land adjacent to such gutter.

**Tearing Up of Pavement, Etc.—Must Have Permission—Offering Hindrance to Person Doing Same.** SECTION 62. Any person who shall



injure or tear up any pavement, side or cross-walk, or any part thereof, or shall dig any hole, ditch, or drain in any street, pavement or sidewalk, without the written permit provided for in this chapter, or who shall hinder or obstruct the authorized making or repair of any pavement, sidewalk or cross-walk or other public improvement, shall be subject to a fine of not less than five dollars nor more than fifty dollars.

**Trees—How Planted in Street.** SECTION 63. All ornamental or shade trees hereafter planted or set out in any street, shall be planted or set within two feet of the outer line of the sidewalk of such street, unless otherwise permitted by the city surveyor. Any person violating the provisions of this section shall be subject to a fine of not less than one dollar nor more than five dollars.

**Trees—Removal of—Notice.** SECTION 64. Whenever any tree or shrub, or the foliage thereof, shall obstruct or in any manner encroach upon the use of any street, or shall unreasonably interfere with or obstruct the light from any street lamp, or the branches of any tree shall be less than nine feet above the street or sidewalk, the superintendent of streets shall notify in writing the owner or occupant of the premises upon or in front of which said tree or shrub is standing to remove the same or such part thereof as shall constitute a violation hereof within forty-eight hours after service of such notice upon him, and if he shall refuse or neglect so to do he shall be subject to a fine of not less than one dollar nor more than five dollars; and said superintendent of streets shall cause such obstruction or encroachment to be removed, or such tree to be trimmed, and the expense thereof shall be levied and collected as a special tax upon the property upon or in front of which such tree or shrub shall be standing.

**Trees—Injury to.** SECTION 65. Every person who shall negligently, wilfully or maliciously injure any tree, growing in any street or public ground, except by direction of the city surveyor or superintendent of streets, shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

**Sidewalk—Snow and Ice to be Removed from.** SECTION 66. The owner, occupant or person in charge of each lot or part of lot, shall, before 12 o'clock noon of each day, remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of the premises owned, occupied or cared for by him; provided, that when ice has so formed upon any sidewalk that it cannot be removed, then the persons herein referred to shall keep the same sprinkled with ashes, sawdust

or sand, in such wise as to prevent the same from being dangerous; and provided further, that snow falling after 12 o'clock noon shall be removed as soon as practicable after the same has ceased to fall. Any person violating any of the provisions of this section shall be subject to a fine of not less than one dollar nor more than five dollars.

**Sidewalks—Duty of Superintendent of Streets—Assessments.** SECTION 67. The superintendent of streets shall cause all sidewalks which shall not have been cleaned, or sprinkled with sand, sawdust or ashes as above prescribed, to be so cleaned or sprinkled in his discretion immediately upon the default of the person whose duty it shall be to clean or sprinkle the same; and shall annually, at or before its regular April meeting, render to the common council an itemized report of all sums disbursed by him for such cleaning or sprinkling, and the description of the premises affected thereby, and the names of the owners thereof, and the sums so disbursed shall annually be levied and collected as a special tax upon said premises, unless paid.

**Wide Tires on Certain Vehicles.** SECTION 68. Every vehicle drawn by two or more horses, and used for the purpose of carrying freight, machinery, household furniture, stone, coal, wood, ice, flour, lumber, sand, gravel, earth or other heavy materials shall be provided with tires not less than three inches in width, but this section shall not apply to farmers' wagons not used in the business of hauling such materials, nor to merchants' package delivery wagons.

**Wheels not to be Locked.** SECTION 69. No person shall use any wheeled vehicle upon any macadamized street, with any wheel thereof locked, or fastened so that the same will not turn.

**Machinery not to be Propelled upon Streets.** SECTION 70. Machinery shall not be drawn or operated upon the streets for purposes of exhibition.

**Animals and Vehicles not to Pass Over Sidewalks.** SECTION 71. No person shall permit any animal or any bicycle, wagon or other vehicle controlled by him, to pass along or over or stand upon any sidewalk, except in necessarily crossing the same.

**Plank Approaches Prohibited on Paved Streets.** SECTION 72. No person shall construct or maintain any plank approach to any driveway or alley, across any gutter on any paved street, unless permitted to do so by the common council. All such approaches on paved streets heretofore constructed and now maintained contrary to the provisions of

this section shall be removed by the superintendent of streets, if not removed by the owner after ten days' written notice given by said superintendent. Any person violating the provisions of this section shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

**Vaults Under Sidewalks—How Constructed.** SECTION 73. All vaults under sidewalks in this city shall be constructed of brick, stone or concrete, and the outward side of the opening into the street shall be within three feet of the outside of the curb or sidewalk, and all such vaults shall be completed and the ground and sidewalk replaced over them within two weeks after they are respectively commenced. Any person violating any of the provisions of this section, whether the owner or builder of such vault, shall be subject to a fine of not less than five dollars nor more than fifty dollars.

**Street Sprinkling.** SECTION 74. Street sprinkling shall be done in the following manner: On paved streets or avenues that are over thirty-three feet in width from curb to curb, not more than one-half of such street or avenue shall be sprinkled at any one time, and a sufficient time shall elapse before the other half of such street or avenue shall be sprinkled to permit the partial drying out of the side already sprinkled, so that such street or avenue shall be in proper condition for use for all purposes and at all times. On paved streets or avenues that are thirty-three feet or less in width from curb to curb, a dry strip four feet in width, exclusive of the gutter, shall be left on one side of such street, or avenue, but in next sprinkling such street or avenue said dry strip shall be left on the other side of such street or avenue, so that such street or avenue shall be in proper condition for use for all purposes at all times. All contracts for street sprinkling shall embody the provisions of this section.

**Penalty.** SECTION 75. Any person, who shall violate any provision of this chapter for which no penalty is already provided, shall be subject to a fine of not less than one dollar nor more than five dollars.



## CHAPTER XVI.

### OFFENSES AGAINST PUBLIC POLICY.

**Destruction of Birds Prohibited.** SECTION 1. No person shall injure or destroy or attempt to injure or destroy, within the city limits, any wild bird.

**Disfigurement of Property.** SECTION 2. No person shall place any advertisement upon any public property, or upon any private property situated and fixed in any street, alley or public ground, or upon any other private property except by the permission of the owner thereof, but this section shall not apply to the posting of notices required by law.

**Injury to Property.** SECTION 3. No person shall wilfully, maliciously or wantonly deface, injure or destroy any public property or any private property of another. Any person who shall violate this section shall be subject to a fine of not less than five dollars nor more than one hundred dollars.

**Fastening Horses to Trees.** SECTION 4. No person shall fasten any horse to any live tree in any street, or to any box or case around such tree, or to any fence, without the consent of the owner of such tree or fence. Any person who shall violate any provision of this section shall be subject to a fine of not less than one dollar nor more than one hundred dollars.

**Regulation of Pawn Shops.** SECTION 5. It shall be the duty of every pawn broker, and of every person who shall loan money on chattels delivered as security, or who shall purchase chattels with the privilege of redemption, to keep a record of all articles pawned to or purchased by him, with a brief description of said articles, and also the name or description of each person so pawning or selling the same, with the date and amount loaned or paid. It shall be the duty of such pawn broker or other such person to submit such record for inspection to any police officer and to the sheriff of Dane county or to any of his deputies, on demand. Any person violating any of the provisions of this section shall be subject to a fine of not less than five dollars nor more than fifty dollars.

**Closing of Saloons—Removal of Screens.** SECTION 6: All persons licensed to sell intoxicating liquor shall close their respective places

open for the purpose of shaving, hair-cutting, or other work of a barber, or for any other purpose, on Sunday, and any person violating the provision of this section shall be subject to a fine of not less than five dollars nor more than twenty-five dollars. }

**Cruelty to Dumb Animals.** SECTION 15. If any person shall inhumanly, unnecessarily or cruelly beat, injure, or otherwise abuse, any dumb animal, he shall be subject to a fine not exceeding fifty dollars.

**Enforcement of This Chapter—Penalty—Duty of Police.** SECTION 16. Any person violating any of the provisions of this chapter, for which a penalty is not specifically provided, shall be subject to a fine of not less than one dollar nor more than ten dollars.

## CHAPTER XVII.

### OFFENSES AGAINST PUBLIC PEACE AND QUIET.

**Drunkenness.** SECTION 1. Any person who shall be found within the streets or public places of the city in a state of drunkenness or intoxication shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

**Obscene Language—Disorderly Conduct—Disturbing Meeting.** SECTION 2. Any person who shall use obscene language in any street or public place, or who shall be guilty of disorderly conduct, or of drunkenness and disorderly conduct, or who shall wilfully disturb or interrupt any religious or other lawful assembly by noise or by rude or indecent behavior shall be subject to a fine of not less than one dollar nor more than one hundred dollars.

**Sounding of Railroad Whistles.** SECTION 3. No person, company, or corporation owning or operating any line of railroad, and no employee of such person, company, or corporation, shall unnecessarily blow or sound or cause or permit to be blown or sounded any steam whistle upon any locomotive or engine owned, operated, controlled or handled by them within the city limits; and any person, company, or corporation violating the provisions of this section shall be subject to a fine of not less than five dollars nor more than twenty-five dollars.

**Sounding of Steamboat Whistles.** SECTION 4. No engineer, fireman, captain or manager of any steamboat, plying on the waters of Lake

Mendota or Lake Monona, while within one mile of the shore at any point between the outlet of Lake Mendota and the university grounds on Lake Mendota, or between the inlet of Lake Monona and the railroad bridge over said lake, on Lake Monona, shall blow or sound or cause or permit to be blown or sounded any steam whistle on such steamboat continuously for more than one-half second of time, or for more than three times in immediate succession, and no such steamboat whistle shall be blown or sounded at any time within the above prescribed limits for any other purpose than to signal the arrival or departure of the steamboat upon which such whistle is so blown or sounded, at or from its dock, or as a signal in passing another steamer, or as a necessary signal to clear its right of way, to the safety and convenience of such steamer or such other person as shall be upon the dock or navigating the lake.

**Violations of Section 4—Revocation of License—Proviso.** SECTION 5. Any person or corporation who shall violate any of the provisions of the preceding section shall be subject to a fine of not less than three dollars nor more than twenty-five dollars; and the license issued for running any steamboat upon which the provisions of said section shall have been violated three or more times, may be revoked by the mayor, and it shall be the duty of the inspector of steamboats plying on the waters of said lakes within said limits to inspect forthwith all steam whistles thereon, and to require the tone or sound thereof when used to be reduced and modified and so kept as not to cause any unnecessary annoyance or disturbance or inconvenience, and if the owner or manager of any such steamboat shall refuse or neglect to conform to any such order or requirement of such inspector in this respect, the license issued for such steamboat may be revoked by the mayor. But none of the provisions of this chapter shall be construed to prohibit the sounding of whistles in case of pressing emergency or for an alarm of fire, when there shall be actual and *bona fide* occasion therefor.

**Loitering About Depots and Tracks.** SECTION 6. Any person who shall loaf or loiter about any of the railroad depots or on or about any railroad track, or at or on any of the railroad bridges in this city shall be subject to a fine of not less than one dollar or more than five dollars.

**Loafing About Streets and Places of Amusements—Obstruction of Stairways.** SECTION 7. It shall be unlawful to loaf or loiter about the streets, or in or about any place of public assembly, or to obstruct in any manner the entrance to any such place. It shall also be un-



lawful for any person to loiter in or otherwise obstruct any stairway in any business block or building.

**Penalty.** SECTION 8. Any person who shall violate any provision of this chapter for which no penalty is provided shall be subject to a fine of not less than one dollar nor more than ten dollars for each offense.

## CHAPTER XVIII.

### OFFENSES AGAINST PUBLIC SAFETY.

**Discharging of Fire-Arms and Explosives—Burning of Inflammable Matter.** SECTION 1. No person shall fire or discharge any cannon, or fire arm of any description, or any air gun, or fire, explode, or set off any squib, cracker or other thing containing powder, or other combustible or explosive material without written permission of the mayor or chief of police, which permission shall limit the time of such firing, and shall be subject to be revoked by the common council. No person shall set on fire any grass, leaves or any other inflammable material, or suffer or permit the same to be done, unless the same may be ignited without danger of the spread of fire, and unless some competent person shall be in constant attendance from the time the same are ignited until the same are totally extinguished.

**Poison—Sale, Etc.** SECTION 2. No person shall knowingly vend, give away or deliver within this city, any deadly poison, unless the same be conspicuously labeled "poison."

**Scaffolds—How Erected.** SECTION 3. All scaffolds erected in this city for use in the erection of buildings, shall be well and safely supported, and of sufficient width and properly secured, so as to insure the safety of the persons working thereon, or passing under or by the same, against the falling thereof, or of such materials as may be used, placed or deposited thereon. Any scaffold erected or maintained contrary to the provisions hereof shall be deemed a nuisance, and any person who shall erect, or maintain the same, shall be subject to a fine of not less than five dollars, and not exceeding one hundred dollars, and to a like fine for every day the same shall remain after written notice by a police officer to remove the same.

**Dangerous Buildings—Notice—Removal.** SECTION 4. No person shall erect or cause to be erected, or shall maintain or permit or suf-

fer to remain on his premises any building or structure which, by reason of dilapidation, defects in the structure, or other cause, may be imminently dangerous to life or property, and the common council may order the same to be removed by the owner upon notice within such time as shall be therein limited. If the owner is a non-resident, such notice may be served upon his agent, if he have one in this city; if not, then notice may be posted on the premises and published in the official paper of said city for such period as the common council may deem proper.

**Failure to Remove—Nuisance—Recovery.** SECTION 5. In case such dangerous building is not removed within the time and in the manner directed by the common council, the same shall be deemed a public nuisance and shall be removed by the chief of police, at the expense of the owner, who shall be subject to a fine of not less than five nor more than twenty-five dollars for each day he shall suffer such building or structure to remain after the expiration of the time limited in said notice for the removal thereof.

**Lamps on Bicycles.** SECTION 6. Every bicycle, while in use after dark, shall be provided with a lamp or lantern which shall be kept lighted while the bicycle is so used.

**Bicycles, Automobiles, Etc.—Speed of.** SECTION 7. No bicycle, auticycle, automobile or other motor vehicle shall be run upon any street at a speed exceeding twelve miles an hour; but the term "motor vehicle," as used in this chapter, shall not be held to include cars of electric or steam railways or other motor vehicles running only upon rails.

**Autocycles, Etc.—How Provided and Operated.** SECTION 8. Every auticycle, automobile or other motor vehicle operated in the city shall be provided with suitable brakes which shall be kept in efficient working condition, and with a bell or other appropriate signal, and with suitable lights which shall be kept lighted during such time after night as such vehicle shall be used. The person having charge of the power of such motor vehicle shall, upon approaching a crossing of intersecting streets, have such vehicle under control, and, unless it appears that no person or conveyance will be encountered, shall reduce the speed thereof until such crossing shall have been passed, and such person shall upon meeting or passing a horse upon any of the streets of said city, reduce the speed of such vehicle, and if it shall appear that the horse is frightened, such person shall give the horse as large a portion of the road as practicable and shall use

all reasonable and practicable means to avoid accident or injury. Any person violating any of the provisions of this or the preceding section shall be punished by a fine or not less than ten nor more than one hundred dollars.

**Cellar Doors, Etc., on Sidewalks—Not to be Kept Open.** SECTION 9. No person shall keep or leave open any cellar door or grating of any vault on any highway or sidewalk, or suffer the same to be left or kept open, or shall suffer any sidewalk in front of his premises to become or continue so broken as to be dangerous.

**Obstruction of Aisles and Approaches in Halls, Etc.** SECTION 10. It shall be unlawful for the owner, lessee or occupant of any room or hall used for public meetings, to permit the approaches, halls, passage ways or aisles leading to or between the seats to be obstructed with any benches, chairs, stools, or by any other means whereby the free passage to, through, or from such room shall be in any manner impeded. Any person violating any of the provisions of this section shall be subject to a fine of not less than twenty-five dollars nor more than fifty dollars.

**Cutting Ice—Safe Guards.** SECTION 11. Any person who shall, as principal or agent, remove ice or cause its removal from any portion of the lakes adjacent to and under the jurisdiction of the city, and shall neglect to place around the margin of the opening made by such removal a fence by setting posts not less than two by four inches in size, and with a fence board thoroughly nailed thereto, not less than three and one-half feet above the surface of the ice on such lake, shall be subject to a fine not less than ten dollars nor more than one hundred dollars.

**Keeping of Vicious Dogs.** SECTION 12. It shall be unlawful for any person knowingly to keep or harbor any vicious dog.

**Horses Not to be Left on Street Unfastened.** SECTION 13. No person shall leave any horse or horses in any street or alley without being securely hitched or fastened.

**Fast Driving.** SECTION 14. No person shall ride or drive any horse or horses in any street or alley faster than at the rate of ten miles an hour.

**Throwing of Stones, Etc.** SECTION 15. No person shall throw or cast any stone or any other missile at or upon any person, or at or upon any building, tree, or other public or private property, or at or



upon any railroad locomotive, tender, coach or car, or any street railway coach or car.

**Obstructing Street Railway.** SECTION 16. Any person who shall place or cause to be placed upon or near the track of any street railway any obstruction of any kind or nature which naturally tends to impede or endanger the running of cars on said track, shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days.

**Railroad Companies to Maintain Gates, Flagmen and Gongs.** SECTION 17. The railroad companies hereinafter named shall place and maintain flagmen, and shall erect and maintain gates and signal gongs, as follows:

The Chicago & Northwestern Railway Company shall place and maintain flagmen at its crossings on East Wilson and Williamson streets, Blount, Livingston, Patterson, East Washington avenue, Water and Winnebago streets; and shall erect and maintain gates at its crossing on Baldwin street; and shall erect and maintain a signal gong at its crossing on East Main street.

The Chicago, Milwaukee & St. Paul Railway company shall place and maintain flagmen at its crossings on East Wilson and Williamson streets, West Washington and University avenues, and Mills street; and shall erect and maintain gates at its crossing on West Main street; and shall erect and maintain signal gongs at its crossings on Blount, Livingston, Patterson, the intersection of Baldwin and Wilson streets and on Winnebago street.

**Duty of Flagmen—Operation of Signals.** SECTION 18. It shall be the duty of each flagman to give due and timely notice by clear and unmistakable signal of the approach of all locomotives and cars. Gates shall be so operated as to be closed for sufficient time before the passage of locomotives or cars as to prevent any danger; and all gongs shall be sounded for a sufficient length of time to sufficiently warn all persons passing over such streets.

**Duty of Railway Employes.** SECTION 19. No engineer, conductor or employe of any railroad shall cause or permit any locomotive or car to cross or pass over any street on which it is, or hereinafter shall be, required of the company owning or operating such tracks to place and maintain flagmen, gates, or signal gongs, after thirty days after the passage of the ordinance requiring the placing and maintenance of

such flagmen, gates or gongs, unless flagmen, gates or gongs have been placed and are maintained as required by such ordinance.

**Climbing Upon Cars, Etc.** SECTION 20. It shall be unlawful for any person not an employe of the railway company to jump or climb upon or from any locomotive, tender, or railway car, while the same is in motion, or at any place except where such locomotive or car may have stopped to receive or discharge passengers.

**Catching on to Car—Children—Guardians.** SECTION 21. No person shall mischievously step or sit upon or cling to any railway or street car, mischievously or for the purpose of surreptitiously riding thereon. Parents or guardians of any child who shall knowingly permit such child to violate any of the provisions of this and the preceding section shall be subject to a fine of not less than one dollar nor more than ten dollars.

**Storage of Kerosene, Etc.** SECTION 22. No person shall, without the written permission of the chief of the fire department, keep upon his premises or permit to be stored thereon at any one time, more than six barrels of kerosene, gasoline, or other inflammable or explosive product of crude petroleum, or other inflammable or dangerous material calculated to endanger lives or property. Any person violating any provision of this section shall be subject to a fine of not less than ten dollars nor exceeding one hundred dollars in every case.

**Storage of Gunpowder—Kept in Canisters.** SECTION 23. No person shall keep or have, or suffer to be kept or had, in any building or place by him owned or occupied, any greater quantity of gun-powder than twenty-five pounds, for any longer period than ten hours. All gun-powder shall be securely kept in a metallic canister with a metallic cap or cover, and no such canister shall be opened after night.

**Boats to Display Proper Lights.** SECTION 24. If any owner or master of any boat propelled by machinery running on either of the lakes bordering on the city shall run or navigate such boat during the night time, without displaying the proper and customary lights usually required on navigable waters, to-wit: a white light on the bow of said boat, a red light on the port and a green light on the starboard side of said boat, such lights to be properly elevated above the surface of the water, and kept brightly burning while said boat is moving, he shall be subject to a fine of not less than two dollars nor more than twenty-five dollars for each and every offense.



**Boats to Carry Life Preservers.** SECTION 25. If any owner or master of any boat carrying passengers for hire on either of the lakes bordering on the city shall run or navigate such boat without having on board at all times one life preserver for each passenger he is licensed to carry, including her crew, and three metal or leather buckets, he shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars. When wooden floats are used as life preservers, they shall be of at least the following dimensions, or other proper dimensions of equal cubical capacity, viz.: four feet in length, fourteen inches in breadth and two inches in thickness. These floats shall be made of white pine wood, or any other wood not exceeding white pine in weight. If cork life preservers are to be used they shall be in accordance with United States laws governing life saving appliances.

**Sailboats to Display Lights.** SECTION 26. If any owner or master of any sailboat running on either of the lakes bordering on the city shall run or navigate such sailboat in the night time without displaying the proper light, to-wit: a white light at the top mast or above all sails, so that said light may be seen from all directions, and without keeping such light brightly burning while such boat is moving, he shall be subject to a fine of not less than two dollars nor more than twenty-five dollars for each offense.

**Steamboats to Give Sailboats Advantage—Chief of Police to Designate Anchoring Places for Boats.** SECTION 27. It shall be at all times the duty of steamers to give to sailing vessels or other craft propelled by sail every advantage and keep out of their way, but sailboats shall so far as possible keep clear of the regularly traveled course of steamers. The chief of police shall have full power to designate the anchoring place of all boats on Lake Monona and Lake Mendota, and may require lights placed on all boats anchored on said lakes.

**Whistle—Bell Signals.** SECTION 28. The whistle and bell signal of steamers shall be the same as required by the United States government on inland lakes, and all questions or rules not provided for in these ordinances shall be decided by reference to government rules on this subject.

**Penalty.** SECTION 29. Any person who shall violate any provision of this chapter for which a penalty is not already provided therein, shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.



## CHAPTER XIX.

### OFFENSES AGAINST PUBLIC MORALS AND DECENCY.

**Wanton or Obscene Language or Conduct.** SECTION 1. No person shall use any wanton or obscene language in the hearing of another, or make any wanton, lewd or obscene gesture in the presence of another.

**Exposure of Person.** SECTION 2. It shall be unlawful for any person to make any indecent or immoral exhibition or exposure of his person, or to cause or procure any person so to do.

**Obscene Literature.** SECTION 3. It shall be unlawful for any person to sell, give away, or offer for sale, or exhibit any indecent, immodest or lascivious book, pamphlet, paper, card, picture, toy or device.

**Disorderly Houses.** SECTION 4. No person shall keep, or aid or assist in keeping any disorderly house.

**Houses of Ill-Fame.** SECTION 5. If any person shall keep or maintain, or shall be an inmate of, or in any way contribute to the support of, any house of ill-fame, or place for the practice of fornication, or knowingly own or be interested as proprietor or landlord in any such house, he shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars.

**Women of Ill-Fame.** SECTION 6. It shall be unlawful for any woman of evil name or fame to enter any saloon, restaurant, hotel or eating house, or to loiter in any of the parks or other public places in said city.

**Exhibition of Animals.** SECTION 7. No person shall indecently exhibit any bull or stud horse or let any such horse to any mare, or any bull to any cow, within the limits of this city, unless in some enclosed place, out of public view.

**Gaming Devices.** SECTION 8. No person shall keep or maintain a gaming house. Any person violating this section shall be subject to a fine of not less than one hundred nor more than two hundred and fifty dollars.

**Frequenting Gaming Houses.** SECTION 9. No person shall visit any gaming house or be present therein for the purpose of gaming, or otherwise than for the transaction of necessary and lawful business.

**Duty of City Officers to Seize Gaming Devices—Resistance.** SECTION 10. The mayor, chief of police, or any policeman of this city, may seize or direct to be seized, any instrument, device or thing used for the purpose of gaming, and all such instruments, devices or things so seized shall be demolished or destroyed, under the direction of the mayor. Any person obstructing or resisting any of said officers in the performance of any act, authorized by this or the following section, shall be subject to a fine of not less than fifty dollars or more than one hundred dollars.

**Refusal to Permit Inspection of Gaming, Etc., House.** SECTION 11. If the owner or keeper of or any person within any gaming house or room, any disorderly house, or any house of ill-fame, shall refuse to permit the mayor, the chief of police, or any policeman to enter the same, it shall be lawful for either of said officers to enter, or cause the same to be entered, by force, by breaking the doors or otherwise, and such officers may arrest, with or without warrant, all suspected persons found therein.

**Bathing.** SECTION 12. No person shall between the hours of 5 o'clock a. m. and 9 o'clock p. m. bathe or swim in either lakes Mendota or Monona, nearer than one mile to the shores, and within the following boundaries, to-wit: on Lake Mendota, between the eastern city limits and the western limits of the University grounds; and on Lake Monona, between the Yahara and the southern city limits, or at any time in the Yahara river, or in any lagoon or body of water in or adjoining any public place; provided, however, that nothing contained herein shall prohibit such bathing or swimming in either of said lakes, except from or adjacent to a public park, in full bathing dress, covering the person from the neck to the knees.

**Injuring or Befouling Private Wells, Etc.** SECTION 13. No person shall injure, befoul or corrupt any public or private well or cistern.

**Penalty.** SECTION 14. Any person violating any of the provisions of this chapter, for which violation no penalty has been already provided herein, shall be subject to a fine of not less than one dollar nor more than twenty-five dollars.

## CHAPTER XX.

**Of the Repeal of Certain Ordinances.** SECTION 1. All ordinances and parts of ordinances, contravening or inconsistent with the foregoing ordinances, are hereby repealed.

**Enacting Clause.** SECTION 2. This ordinance shall take effect and be in force from and after its passage and publication.

Approved April 19, 1904.

J. W. GROVES,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, Wisconsin, on the 19th day of April, A. D. 1904.

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE to amend section 4 of chapter X of the revised ordinances of the City of Madison, relating to the term of the Superintendent of the Water Works.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. Section 4 of chapter X of the revised ordinances of the city of Madison be amended by striking out the words "one year" in the last line of said section, and inserting in lieu thereof the words "such time as the board shall determine, not exceeding three years," so that said section when so amended shall read as follows:

SECTION 4. The said board at its regular October meeting shall appoint a superintendent who shall be the general executive officer of the water works department. He shall give a bond in the sum of two thousand dollars, conditioned for the faithful discharge of his duties, and shall hold his office for such a time as the board shall determine, not exceeding three years, unless sooner removed by board.

SECTION 2. This ordinance shall be in force and take effect from and after its passage and publication.

Approved May 20th, 1904.

W. D. CURTIS,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 13th day of May, 1904.

O. S. NORSMAN,  
City Clerk.



AN ORDINANCE to amend section 41, chapter 15, of the Revised General Ordinances of the city of Madison.

*The mayor and the common council of the city of Madison do ordain as follows:*

Section 41 of chapter 15 of the Revised General Ordinances of the city of Madison is hereby amended, by inserting after the word "surveyor" in the third from the last line of said section, the following:

"No cement shall be used in the construction of sidewalks on any street or alley unless the same shall comply with the tests for Portland cement drawn up by the committee on masonry and approved at the fifth annual session of American Railway Engineering and Maintenance of Way Association, and published in the proceedings of the fifth annual meeting in Chicago, a copy of which is on file in the office of the city surveyor, and before any such cement shall be used the same shall be tested by the city surveyor, or he shall be furnished with satisfactory evidence that such tests have been made by some competent person, and that the cement proposed to be used conforms to the requirements of the test above designated," so that when so amended said section shall read as follows:

**Construction of Sidewalks.** SECTION 41. Except upon special authority obtained from the common council, no new walk upon any street, the grade of which shall have been established, and which shall have been improved by paving or macadamizing, shall be constructed, and no old walk shall be substantially reconstructed upon such street unless such new or reconstructed sidewalk shall be of cement, and constructed in substantial accordance with the following specifications: The natural soil or present surface shall be removed, regulated and graded to the depth of twelve inches below the level of the finished surface of the sidewalk. Perishable or objectionable material shall be removed. On the surface so graded and compacted by wetting, rolling or ramming, there shall be spread a layer of clean firebox cinders or gravel for the total width of the walk, and such a depth as will give after compacting a thickness of seven inches, this layer to be thoroughly compacted. Upon the foundation thus prepared, there shall be placed a layer of concrete, four inches in depth, made by mixing one part by volume of American Portland cement, three parts by volume of clean sharp sand, and five parts by volume of clean broken stone, that will pass through an inch and one-half ring. Before the concrete shall have set, there shall be placed on it a wearing coat one inch in thickness, made by mixing one part by volume of American Portland

cement with one and one-half parts by volume of crushed granite screenings. Before this surface shall have set, it shall be given a "brush" finish, or a corrugated finish, as the city surveyor may direct. The cement walk shall be cut into blocks of such sizes as the city surveyor shall direct, the edges of the blocks to be parallel or at right angles to the street lines. The cutting must extend entirely through both layers of concrete, and the separation into blocks must be perfect and distinct. Said cement walks upon all residence streets shall not be less than five feet four inches wide, and unless the city surveyor shall so direct, shall not exceed that width. Upon business streets such walks shall be such as shall be directed by the city surveyor. No cement shall be used in the construction of sidewalks on any street or alley unless the same shall comply with the tests for Portland cement drawn up by the committee on masonry and approved at the fifth annual session of the American Railway Engineering and Maintenance of Way Association and published in the proceedings of the fifth annual session held in Chicago, a copy of which is on file in the office of the city surveyor, and before any such cement shall be used the same shall be tested by the city surveyor, or he shall be furnished with satisfactory evidence that such tests have been made by some competent person and that the cement proposed to be used conforms to the requirements of the test above designated. Any person violating any of the provisions of this section shall be subject to a fine of not less than five dollars and not more than one hundred dollars.

Approved August 16, 1904.

W. D. CURTIS,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 12th day of August, 1904.

O. S. NORSMAN,  
City Clerk.

## FRANCHISES

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### RAILROAD FRANCHISES.

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AN ORDINANCE to grant the right of way to the Baraboo Air Line Railroad Company over and across streets.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. That the right of way be and the same is hereby granted to the Baraboo Air Line Railroad Company, along or across any or all streets or alleys in said city on the line which has been located by said company in constructing its road from block number one hundred and twenty-four (124) in said city to Baraboo in Sauk county, and said company is hereby authorized to use any and all streets, alleys or public places for the purposes of constructing single or double tracks of railway from and to such points as have been adopted, and to use said streets, alleys and public places for any and all purposes necessary for the public construction and use of said railroad, but said streets shall not be so used or left by said company as to unnecessarily obstruct the use of the same, for ordinary purposes.

SECTION 2. The city of Madison hereby relinquishes all claims for damages for the right of way herein granted, and all compensation for the use of the streets, alleys and public places for the purposes herein specified.

SECTION 3. The said railroad company shall put up or cause to be put upon large sign-boards at all places wherever the track crosses any traveled street, bearing on both sides of said boards in large letters "Look out for the cars," and before crossing and while running along upon any traveled street in this city, they shall cause the bell on the engine to be rung and their trains shall not go faster until they have passed all traveled streets, than at the rate of six miles per hour.



SECTION 4. All street crossings shall be constructed and maintained at the expense of the said road company in a manner acceptable to the common council.

SECTION 5. The city hereby reserves the right to regulate the running of trains and to enact such other regulations in relation to the said road as the interests of the city may require.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

JOHN CORSCOT,  
Clerk.

ANDREW PROUDFIT,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 23rd day of August, 1870.

(Ordinance No. 487.)

JOHN CORSCOT,  
City Clerk.

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AN ORDINANCE granting the right of way through and across streets and public grounds in the city of Madison to the Beloit and Madison Railroad Company.

*The common council of the city of Madison do ordain:*

SECTION 1. That the right of way in, across and through the streets and public grounds of the city of Madison, as hereinafter designated, is hereby given and granted unto the Beloit and Madison Railroad Company, its successors, and assigns: That the right of way so granted authorizes the entry upon and continued occupation of so much of the said streets and public grounds as shall be necessary for the purposes of laying out, building, running and using a railroad and shall cease and be determined at any time said premises are not occupied and used for such purposes; that the right of way so granted is given across and through said streets and public grounds on or near the center line of the Beloit and Madison Railroad as the same is now located; which said center line, as located runs substantially as follows, to-wit: Commencing at a point in the bank or shore of Lake Monona, or Third lake so called, southwest of and near to the track of the Milwaukee & Prairie du Chien Railroad and running thence northeasterly along the bank or shore of said Third lake, across all the intervening streets to a point on the shore of said Third lake, in or near East Canal street; thence northerly and north-

easterly through and across all intervening streets to a point in the center of Clymer street and on the east line of Patterson street; provided, that all the street crossings shall be constructed and maintained at the expense of the said railroad company in a manner to be agreed upon between said company and the common council of the city of Madison; and provided further, that the grade of said road where it crosses or runs on streets north and east of West Canal street in said city shall be established in a manner to be agreed upon between said company and the common council of the city of Madison.

SECTION 2. The city hereby reserves the right to regulate, whenever the interests of the city require it, the manner of running trains through and across the traveled portions of said streets, so far as to limit the rate of speed and to require proper signals.

W. T. LEITCH,

WM. A. HAYES,

Mayor.

City Clerk.

Notice is hereby given, that the foregoing ordinance was passed by the Common Council of the city of Madison, on the 3d day of April, 1863.

WM. A. HAYES,

(Ordinance No. 100.)

City Clerk.

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AN ORDINANCE to grant the right of way to the Beloit and Madison Railroad Company across and along certain streets.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. That the right of way be and the same is hereby granted to the Beloit and Madison Railroad Company across East Canal street in the city of Madison between the present track of the Milwaukee & St. Paul Railroad Company when it crosses said street and the Third lake, and also across Blair street and across and along Wilson street so that the line of said road shall be as nearly straight as possible from where it crosses East Canal street to a point where the depot of said company is located in block one hundred and twenty-four and to strike near the corner of lots 16 and 17 in said block 124 on Wilson street.

SECTION 2. The city of Madison hereby relinquishes all claims for damages for the right of way herein granted and all compensation for the use of said streets.

SECTION 3. The said railroad company shall cause to be put up large sign-boards at all places wherever the track crosses any street, having

on both sides of said boards in large, plain letters "Look out for the cars," and before crossing, and while running along upon any street in the city, they shall cause the bell on the engine to be rung, and their trains shall not go faster through the city than at the rate of six miles an hour.

SECTION 4. The street crossings shall be constructed and maintained at the expense of said railroad company in a manner acceptable to the common council.

SECTION 5. The city herein expressly reserves the right to regulate the running of trains, and to enact such other regulations in relation to said road as the interests of the city may from time to time require.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

JOHN CORSCOT,  
Clerk.

M. T. BAILY,  
Acting Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 3rd day of October, 1870.

(Ordinance No. 495.)

JOHN CORSCOT,  
City Clerk.

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AN ORDINANCE to grant the right of way to the Chicago, Madison & Northern Railroad Company over, across and along certain streets.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. That the right of way for tracks and all purposes of its railroad be and the same is hereby granted to the Chicago, Madison & Northern Railroad Company over, across or along any or all highways, streets or alleys in the city of Madison upon its line of railroad extending from the westerly city boundary or limits, through out-lying tracts, blocks 13, 14 and 10 of Brooks' addition, outlots 1 to 6, both inclusive, of the University addition, and blocks 24 to 29, both inclusive, of the original plat of the city of Madison, to a point on the shore of Third Lake or Lake Monona in said block 29, as such part of the line of the said railroad has been staked out and located; thence along the shore of Monona or Third lake, parallel with and alongside of the existing tracks upon the lake shore to the



intersection of the Chicago & Northwestern, and Chicago, Milwaukee & St. Paul Railroad tracks; thence upon the northwesterly side of the Chicago, Milwaukee & St. Paul track along Wilson street to Few street and thence to the northeasterly boundary of the city; also from a point on said located line, west of the University addition through Brooks' addition and outlying tracts, or either thereof, to the westerly city boundary or limits, as such last mentioned parts of said line of railroad shall be located. Provided, that not more than two tracks shall be laid between Bedford street and the south side of Blair street.

SECTION 2. Said company, its successors or assigns, may at any time within five years from the date hereof, construct a line of single or double track railroad with all necessary tunnels, retaining walls, bridges and other appurtenances, from a point on their aforesaid line on Third lake shore to be selected by said company, in block 106, thence northerly across Wilson, King, and Butler streets, at or near the place of junction and thence to the northeasterly city limits, provided that said streets shall be bridged on grade and all other streets crossed shall be restored to their former usefulness as near as practicable; provided, that without permission from the council no street shall be occupied longitudinally by tracks parallel with the center line thereof, and that when there is sufficient head room, or depth of cutting, said railroad company shall cause a tunnel to be constructed, and shall make an open cut with suitable retaining walls only where a tunnel can not be constructed.

SECTION 3. The city of Madison hereby relinquishes all claims for damages for the right of way herein granted, and all compensation for the use of said highways, streets and alleys.

SECTION 4. The said railroad company shall cause to be put up large sign-boards at all places wherever the track or tracks cross any highway or street, having on both sides of said boards in large, plain letters, "Look out for the cars;" and before crossing and while running along upon any highway or street in the city they shall cause the bell upon the engine to be rung, and their trains shall not go faster through the city than at the rate of six miles an hour.

SECTION 5. The highway and street crossings shall be constructed and maintained at the expense of said railroad company in a manner acceptable to the common council.

SECTION 6. The city herein expressly reserves the right to regulate the running of trains, and to enact such other regulations in relation to said railroad as the interests of the city may from time to time require.

SECTION 7. This ordinance shall take effect and be in force from and after its passage.

Approved October 20th, 1886.

E. W. KEYES,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 19th day of October, 1886.

(Ordinance No. 909.) JOHN CORSCOT,  
City Clerk.

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AN ORDINANCE extending the time within which to comply with the unexecuted portion of the provisions of an ordinance entitled, "An ordinance to grant the right of way to the Chicago, Madison and Northern Railroad Company, over, across and along certain streets," approved October 19th, A. D. 1886.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. The time within which the (consolidated) Chicago, Madison and Northern Railroad Company may complete the construction of the line of railroad mentioned and provided for in and by an ordinance entitled, "An ordinance to grant the right of way to the Chicago, Madison and Northern Railroad Company, over, across and along certain streets," approved October 19th, A. D. 1886, is hereby extended for a further and additional period of two years, and all rights and privileges by said ordinance given, be and the same are hereby conferred on said company for such additional time.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

Approved Sept. 12, 1891.

WM. H. ROGERS,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 11th day of September, 1891.

(Ordinance No. 1027.) O. S. NORSMAN,  
City Clerk.

AN ORDINANCE extending the time within which to comply with the unexecuted portion of the provisions of an ordinance entitled, "An ordinance to grant the right of way to the Chicago, Madison and Northern Railroad Company, over, across and along certain streets," approved October 19th, A. D. 1886.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. The time within which the (consolidated) Chicago, Madison and Northern Railroad Company may complete the construction of the line of railroad mentioned and provided for in and by an ordinance entitled, "An ordinance to grant the right of way to the Chicago, Madison and Northern Railroad Company, over, across and along certain streets," approved October 19th, A. D. 1886, and heretofore once extended, is hereby again extended for a further period of two years, and all rights and privileges by said ordinance given, be and the same are hereby conferred on said company for such additional time.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

Approved October 14th, 1893.

JOHN CORSCOT,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 13th day of October, 1893.

(Ordinance No. 1072.) O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE extending the time within which to comply with the unexecuted portion of the provisions of an ordinance entitled, "An ordinance to grant the right of way to the Chicago, Madison & Northern Railway Company, over, across and along certain streets," approved October 19th, A. D. 1886.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. The time within which the (consolidated) Chicago, Madison & Northern Railroad Company may complete the construction of the line of railroad mentioned and provided for in and by an ordinance entitled, "An ordinance to grant the right of way to the Chicago,



Madison & Northern Railroad Company, over, across and along certain streets," approved October 19th, A. D. 1886, and heretofore twice extended, is hereby again extended for a further period of four years, and all rights and privileges by said ordinance given, be and the same are hereby conferred on said company for such additional time.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

Approved September 16, 1895.

JABE ALFORD,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 13th day of September, A. D. 1895.

(Ordinance No. 1110.) O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE extending the time within which to comply with the unexecuted portion of the provisions of an ordinance entitled, "An ordinance to grant the right of way to the Chicago, Madison and Northern Railroad Company, over, across and along certain streets," approved October 19, A. D. 1886.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. The time within which the (consolidated) Chicago, Madison and Northern Railroad Company may complete the construction of the line of railroad mentioned and provided for in and by an ordinance entitled, "An ordinance to grant the right of way to the Chicago, Madison and Northern Railroad Company, over, across and along certain streets," approved October 19, A. D. 1886, and heretofore extended, is hereby again extended for a further period of five years, and all rights and privileges by said ordinance given be and the same are hereby conferred on said company for such additional time.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

Approved September 23d, 1899.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 22d day of September, 1899.

(Ordinance No. 1207.) O. S. NORSMAN,  
City Clerk.

## RESOLUTION ADOPTED November 2d, 1885.

*Resolved*, That the deed of the Chicago & Northwestern Railway to the city of Madison of a right of way across block 269, in said city, being a part of Williamson street, be and the same is hereby accepted on the terms and conditions therein stated, without prejudice, however, to the prescriptive right of way claimed by our city over the land embraced within the boundaries described in said deed.

*Resolved*, That the said Chicago & Northwestern Railway Company be and the same is hereby required to break all trains in transit of said company at said Williamson street crossing.

*Resolved*, That the deed of the Chicago, Milwaukee & St. Paul Railway conveying to the city of Madison a right of way over block 269 in said city, being a part of Williamson street, be and the same is hereby accepted on the terms and conditions therein stated, without prejudice, however, to the prescriptive right of way claimed by said city over the land embraced within the boundaries described in said deed.

JOHN CORSCOT,  
City Clerk.

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## RESOLUTION ADOPTED October 4, 1884.

*Resolved*, That permission is hereby given to the Chicago & Northwestern Railway Company to extend the side track known as the ice track, now built on the front of block one hundred and twenty-six (126), along and across the lake front at the end of Blount street; provided, that the said company shall, at the time of extending its said track, build the culvert of the city in Blount street from its present termination to and under such track, so that it shall freely discharge into the outside waters of the lake, and shall keep and maintain such extension of said culvert in good order and condition, and shall also grade the end of said street to, over and beyond such track and provide a crossing over the track so that teams can easily pass to and upon the ice in winter, said work to be done under the supervision of the city surveyor.

AN ORDINANCE granting to the Chicago and Northwestern Railway Company the right to construct a spur railroad track upon, over and across Clymer and Main streets.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. Permission and authority are hereby granted to the Chicago and Northwestern Railway Company to construct, maintain and operate a spur railroad track across Clymer street and Main street in the city of Madison, upon a route described as follows: Beginning at a point in one of the tracks of said railway company now laid in said Clymer street opposite, or nearly so, the dividing line between lots 13 and 14, in block 145, running from thence westerly or northwesterly on a convenient curve to the right across said Clymer street to a point near the southeasterly corner of lot No. 16 of said block 145; from thence said track crosses said block 145 and leaves said block at the dividing line between lots 1 and 2 and from thence continues on said line produced, across said Main street.

SECTION 2. This ordinance to be in full force and effect from and after its passage and publication.

Approved June 30, 1899.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 29th day of June, 1899.

(Ordinance No. 1198.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE granting to the Chicago and Northwestern Railway Company the right to construct a spur track in and across certain streets.

*The mayor and common council of the city of Madison do ordain as follows:*

SECTION 1. Permission and authority are hereby granted to the Chicago and Northwestern Railway Company, its successors and assigns, to construct, maintain and operate a railroad track in Clymer street, also called Railroad street, and over and across Main street in said city of Madison, upon a route described as follows:



Beginning at a point in the present switch track of said railway company in said Clymer street, and serving the lumber yard of M. Frederickson, located upon block 172, of Farwell's replat to said city opposite the dividing line or nearly so between lots 12 and 13, of said block 172, and extending thence westerly in and along said Clymer or Railroad street, and on the northeasterly side of the present main track of said railway company to or near the southeasterly corner of lot 14, in block 157, thence northwesterly across said block 157 to Main street, thence across Main street between lot 4 of block 157, and lot 15 of block 158; said track, however, to be constructed in such a manner as to conform to the established grade of said streets.

SECTION 2. This ordinance shall take effect and be in full force from and after its passage and publication.

Approved September 15, 1900.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 14th day of September, 1900.

O. S. NORSMAN,  
City Clerk.

(Ordinance No. 1228.)

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AN ORDINANCE granting to the Chicago & Northwestern Railroad Company the right to construct a spur track in and across a certain street.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. Permission and authority are hereby granted to the Chicago & Northwestern Railway Company, its successors and assigns, to construct, maintain and operate a railroad track in Clymer street, also called Railroad street, in said city of Madison, upon a route described as follows: Beginning at a point in the present switch track, known as the repair track, of said railroad company in said Clymer street, located in block 145 of Farwell's replat of said city, and extending westerly in and along Clymer or Railroad street on said repair track to a point twelve or more feet west of the dividing line between lots 12 and 13 of said block 145, thence across a small portion of said Clymer or Railroad street, entering lot 13 of block 145 in a

northwesterly direction, to the industries of Leonard & Ellis; said track or spur, however, to be constructed in such a manner as to conform to the established grade of said street.

SECTION 2. This ordinance shall take effect and be in full force from and after its passage and publication.

Approved August 17, 1901.

STORM BULL,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the ninth day of August, 1901.

(Ordinance No. 1247.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE granting to the Chicago and Northwestern Railway Company the right to construct, maintain and operate a spur railroad track in Clymer street or Railroad street, and over and across Patterson street, in the city of Madison.

*The mayor and common council of the city of Madison do ordain as follows:*

SECTION 1. Permission and authority are hereby granted to the Chicago & Northwestern Railway Company, its successors and assigns, to construct, maintain and operate a spur railroad track of standard gauge in, upon and along Clymer street, also called Railroad street, in said city of Madison, from a point in its most northerly track now laid in said Clymer street, opposite lot twelve (12) of block one hundred and fifty-seven (157), of Farwell's replat, westwardly to the northerly line of said street, being also the southerly line of lot seventeen (17) of said block; thence westwardly to the easterly line of Patterson street; thence across Patterson street to the westerly line thereof, between lot eighteen (18) of said block one hundred and fifty-seven (157) and lot ten (10) of block one hundred and forty-five (145) of said Farwell's replat.

SECTION 2. This ordinance shall take effect and be in full force from and after its passage and publication.

Approved June 17, 1902.

JOHN W. GROVES,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 13th day of June, 1902.

(Ordinance No. 1260.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE granting to the Chicago and Northwestern Railway Company the right to lay a railroad track across Main street in the city of Madison.

*The mayor and common council of the city of Madison do ordain as follows:*

SECTION 1. Permission and authority are hereby granted to the Chicago and Northwestern Railway Company, its successors and assigns, to construct, maintain and operate a railroad track of standard gauge upon, over and across Main street in the city of Madison, between Brearly street and Patterson street, westerly of the track now laid upon and over said Main street. Said track to be laid in such manner as to conform to the present established grade of said street.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and publication.

Approved November 17, 1902.

JOHN W. GROVES,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 14th day of November, 1902.

(Ordinance No. 1277.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE granting to the Gisholt Machine Company, its successors and assigns, the right to construct, use and maintain a railway sidetrack in the city of Madison, Wisconsin.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. The Gisholt Machine Company, its successors and assigns, are hereby granted a right of way through, in, upon and across East Washington avenue, Bridge street, South Dickinson street and



East Main street, on the west side of, and adjacent to, the right of way of the Chicago & Northwestern Railway Company as now located, and South Baldwin street between blocks numbered one hundred ninety-eight (198) and two hundred fourteen (214), for the purpose of constructing, using and maintaining a railway sidetrack to connect the shops, works and yards of said Gisholt Machine Company with the track of the said railway company.

SECTION 2. This ordinance shall be in force and effect from and after its passage and publication.

Approved November 22d, 1899.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 20th day of November, 1899.

(Ordinance No. 1210.) O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE concerning the Milwaukee & Mississippi Railroad.

*\*Be it ordained by the president and board of trustees of the village of Madison:*

SECTION 1. That permission is hereby granted to the Milwaukee & Mississippi Company to introduce their road into the corporate village of Madison, on the line of either of Bedford, Bassett, or Brown streets, commencing on the shore of the Third lake, extending the same in a northwestern direction to such a point on or near Washington avenue, as may be selected for depot grounds, thence to the shore of the Fourth lake, and along said shore to the western limits of the corporation, crossing all streets and avenues intersecting with the line of said route, and to occupy so much of said streets as may be necessary for the purpose of constructing, maintaining, using and occupying a single or double track through the same, with such turn-outs, turn-tables and branches extending to adjoining lands as may be deemed necessary for the successful use and occupation of said road.

Provided the space occupied by said roads, except when turn-outs,

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\*See record book of village of Madison, the first entry of which is March 11, 1850, and the last entry of which is April 5, 1856.

turn-tables or branches occur, does not exceed twenty-two feet in width of the center of said streets.

And provided said work be so constructed that carriages and vehicles of all kinds may pass along either side of said road so selected, and may conveniently cross the same where intersected by streets.

And provided also the board of trustees reserve to themselves and successors the right to regulate the running of locomotives on said route within the limits of said village.

SECTION 2. Said company may also use such portion of Washington avenue adjoining their depot grounds, not exceeding thirty rods in length by four in breadth, as may be necessary to accommodate these turn-tables, turn-outs, and other fixtures appertaining to the same.

Provided the same is so constructed as not to interfere with the ordinary travel and use of said avenue as little as possible.

And provided further that no buildings of any description shall be erected on said avenue.

SECTION 3. Said company may run their trains by locomotives within the limits before described herein, at a speed not exceeding five miles per hour, subject to such ordinances as may from time to time be passed by the president and trustee of said village, regulating speed and motive power within said village.

SECTION 4. The provisions granted to use said streets and avenues for the purpose aforesaid shall continue as long as the same shall be used and occupied for the purpose contemplated by the ordinance.

Attest:

GIRARD RICHARDSON,  
Clerk Pro Tem.

Feb. 15,—9—28.

Published in Daily Argus and Democrat, February 16, 17, 18, and 19, 1853.

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RESOLUTIONS Adopted September 4, 1880.

*Resolved*, That the right of way be and the same is hereby granted, and permission given to the Milwaukee & Madison Railway Company, its successors and assigns, to construct a railroad from the present depot of the Chicago & Northwestern Railway Company, or from a junction of the track of the latter company at any point northeast of the depot, thence along Clymer street northeasterly to the city limits, and to cross or extend along any intervening street, according to the line now surveyed and staked out by said Milwaukee & Madison Railway Company.

*Resolved*, That the right of way be and the same is hereby granted, and permission given, to the Chicago & Northwestern Railway Company to construct and operate a side track from its present track thence to and across Blair street, to and along block 126, on lake front.

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AN ORDINANCE to grant the right of way to the Milwaukee & St. Paul Railroad Company over and across streets.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. That the right of way be and the same is hereby granted to the Milwaukee & St. Paul Railroad Company along or across any or all streets or alleys in said city on the line which has been located by said company in extending the so-called Sun Prairie branch of their road from Sun Prairie to the depot on the Prairie du Chien division of said company in the city of Madison, and they are hereby authorized to use any and all streets, alleys or public places, including the shores of "Third Lake" below low water mark, for the purpose of constructing single or double tracks of railway from and to such points as have been adopted, and to use said streets, alleys, public places and lake for any and all purposes necessary for the proper construction and use of said railway, but said streets shall not be so used or left by said company as to unnecessarily obstruct the use of the same for ordinary purposes, and the said company shall construct culverts for the accommodation of the Fire Department on such streets and in such manner as the Chief Engineer in the Fire Department shall direct.

SECTION 2. The city of Madison hereby relinquishes all claim for damages for the right of way herein granted and all compensation for the use of the streets, alleys, public places and lake for the purposes herein specified.

SECTION 3. The said railroad company shall put up or cause to be put up large sign-boards at all places wherever the track crosses any street, bearing on both sides of said boards in large letters "Look out for the cars," and before crossing and while running along upon any street in this city they shall cause the bell on the engine, to be rung, and their trains shall not go faster until they have passed all traveled streets than at the rate of six miles per hour.

SECTION 4. All street crossings, including the one on Hamilton street leading into the lake, shall be constructed and maintained at the



expense of the said railroad company in a manner acceptable to the common council.

SECTION 5. The city herein reserves the right to regulate the running of trains and to enact such other regulations in relation to the said road as the interest of the city may require.

SECTION 6. This ordinance shall take effect and be in force from and after its passage.

DAVID ATWOOD,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 6th day of November, 1868.

JOHN CORSCOT,  
City Clerk.  
(Ordinance No. 397.)

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AN ORDINANCE to grant the right of way to the Milwaukee & St. Paul Railway Company across East and West Canal streets, in the city of Madison.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. That wherever the Milwaukee & St. Paul Railway Company shall relinquish to the city of Madison all that certain piece of land known as block 269 in the city of Madison (except the right to use it for the construction and operation of its railroad track) and shall remove from said block 269 the building known as "East Madison Depot," the said railroad company shall be and hereby is authorized to occupy and use East and West Canal streets between the present line of said railroad and Wilson street.

SECTION 2. The city of Madison hereby relinquishes all claims for damages for the right herein granted, and all compensation for the use of said streets.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication.

J. B. BOWEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 2nd day of September, 1871.

JOHN CORSCOT,  
City Clerk.  
(Ordinance No. 558.)

## STREET RAILWAY FRANCHISES.

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AN ORDINANCE confirming certain rights and privileges to the Madison City Railway Company, and relating to and extending the time for constructing certain parts of the line, and amendatory of an ordinance entitled, "An ordinance conferring certain rights and privileges upon the Madison Street Railway Company."

*The common council of the city of Madison do ordain as follows:*

SECTION 1. All authority, permission, rights, privileges and franchises granted to, or conferred upon, the Madison Street Railway Company by an ordinance entitled, "An ordinance conferring certain rights and privileges upon the Madison Street Railway Company," passed by the common council of the city of Madison, on the 8th day of March, A. D. 1884, are hereby confirmed and assured to the Madison City Railroad Company, and its acquisition thereof is hereby ratified and confirmed, provided, however, that no action or right of action that the city of Madison may have against the Madison Street Railway Company, or its stockholders, shall in any way be affected by this ordinance.

SECTION 2. The time for constructing and having in operation the line of the railway extending from Capitol park to Few street, in the second ward, as provided in Section 1, of said ordinance, is hereby enlarged and extended to and until the first day of November, 1889; and the said Madison City Railway Company is hereby granted the exclusive right, privileges and franchises of construction and having in operation the said line on or before the said 1st day of November, 1889, and thereafter maintaining and operating the same for the period of time mentioned in said ordinance; provided, that in case of failure to comply with this section all the aforesaid authority, permission, rights and franchises shall be forfeited and revoked at the option of said city.

SECTION 3. The said Madison City Railway Company is hereby released from the duty and obligation to construct, maintain, or operate a line of railway extending from the present western terminus

of its line at Mills street to the State Fair grounds, as imposed by the aforesaid ordinance; provided, however, that it shall be the duty of said company to construct, maintain and operate a line from its said present western terminus to said Fair grounds, whenever required by said city, upon ninety days' written notice, and that said company shall have the right and privilege to construct, maintain and operate a railway line in, upon and along the streets of said city, as provided in the aforesaid ordinance; in case said company shall fail to comply with any provision of this section, all the aforesaid authority, rights, privileges and franchises shall be forfeited and revoked at the option of said city.

SECTION 4. The said ordinance passed by the common council of said city on the 8th day of March, A. D. 1884, shall continue in full force and effect except in so far as the same is modified and amended by this ordinance.

Approved February 26, 1889.

M. R. DOYON,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 26th day of Feb., 1889.

(Ordinance No. 957.)  
JOHN CORSCOT,  
City Clerk.

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AN ORDINANCE granting the use of the streets and bridges for the operation of an electric railway to the Madison City Railway Company.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. Be it ordained and enacted by the council of the city of Madison assembled, and it is hereby ordained, that permission is hereby granted to the Madison City Railway Company, its successors and assigns, to enter upon and to construct, maintain and operate a single or double track railway, with the necessary turnouts and switches, upon the streets, highways and bridges in said city, upon the express condition that the said company shall construct and have in operation within four months a line of railway extending from the university buildings via University avenue, Park street, State street, Carroll street, Main street, King street, Wilson street, Blair street, Williamson street, Jenifer street, to Baldwin street, and also a line from the junction of Bedford street and Main street on Main street



via Carroll street, Mifflin street, Hamilton street, Johnson street, to Baldwin street, subject to all general provisions of statute law now in force and applicable thereto, and to such reasonable rules and regulations respecting such streets and highways and operation of cars as the said council may from time to time enact.

SECTION 2. Said Madison City Railway Company, its successors and assigns, are hereby granted the right to use, upon the whole or any portion of its tracks, as the same are now or may hereafter be authorized and constructed, electricity as a motive power supplied to the cars by means of a single overhead trolley-wire, the electrical circuit being completed by the rails of the road, suitably connected at their ends, or connected with a supplementary ground wire. And for this purpose said company, its successors and assigns, are hereby expressly authorized and empowered to lay and connect said ground circuit as aforesaid, and to erect and maintain, in and along any and all of the public streets and highways upon which the tracks of said company are hereby or may in the future be, authorized and constructed, such posts, brackets, wires and fixtures as may be required to support and maintain the overhead trolley-wire. For such support and maintenance, either horizontal cross-wires extending across the street, or bracket arms projecting over the track, as said company may deem more suitable, may be employed. All posts or poles used in such construction shall be number one selected cedar, twenty-eight (28) feet in length with not less than seven (7) inch tops, excepting that on the streets around the Capitol building, and within a radius of one-fourth of a mile therefrom, they shall be ornamental iron poles.

In all cases of single track construction the poles shall be placed in or adjacent to the line of the curb of the sidewalk, or otherwise in such manner as not unreasonably to impede public travel, and set at least six feet in the ground; and in all cases of double track construction where the tracks are at least six feet apart, the poles shall be placed in the street between such double tracks and set at such a depth in the ground as to make their support substantial and adequate. All poles shall be kept painted, those of wood the first six feet next to the ground line to be black and the balance white, and those of iron shall be all black, or such colors as the council may determine; and the cross wires, or brackets, as the case may be, for the support of the trolley-wire, shall be attached to said poles at such height as to maintain said trolley-wire at every point not less than eighteen (18) feet above the surface of the street. All such posts, brackets, wires and fixtures shall be maintained by said company at all times in good order and condition.

Animal, or other motive power, except steam, may be used, jointly with electrical power, in the general operation of said railway, during such time or times as the operation thereof by electricity shall be interrupted or suspended by reason of accident to the electrical equipment, such animal or other power alone may be employed in the propulsion of cars over the whole or any portion of the company's tracks.

SECTION 3. The authority and permission herein granted, are subject to the following terms and restrictions:

(A) The track shall be of the standard gauge, four feet and eight and one-half inches, and within a radius of one and one-quarter miles from the center of the Capitol park, shall be constructed with "T" rail of fifty pounds to the yard, laid on ties six by eight inches, placed two feet apart from centers, in a good and substantial manner, upon or as near the middle of the streets as may be practicable, so as to obviate as far as possible any obstruction or hindrance to other proper use of said streets and bridges; and outside of said limit of one and one-quarter miles the weight of "T" rail shall not be less than 35 pounds to the yard, laid on ties two feet apart from centers. The cars to be run on said railway, and other equipments, shall be of the best class and style in use in such railways. And the roadbed shall at all times correspond with the actual grade of the street and shall be so laid and maintained that carriages and other vehicles can easily and freely cross said track at any and all points. When snow shall be thrown from the railway tracks it shall be leveled or disposed of by said company so as not to be an obstruction to travel on the street. And said company shall keep the space between the rails of each track and for the space of one foot on the outside in proper repair so as not to interfere with travel over the same, and shall keep the same in proper order and cleanliness at its own cost and expense.

(B) It shall be the duty of said company to repair any and all damages done to the streets, macadamizing, curbs, cross or sidewalks, gutters or other public or private property by the construction or repairing of the tracks along the streets as herein provided for; and further, to protect and save harmless the city of Madison against all claims for damages arising from the construction, operation or management of the railway provided for herein.

(C) The city reserves the power to impose a license fee not to exceed five (\$5) dollars per year for each motor car actually run at the expiration of five years after the passage of this ordinance.

(D) The rate of fare shall be five (5) cents for one continuous ride in any one direction, and the said company, its successors and assigns, shall in no case charge or collect from any passenger more than five



(5) cents for one continuous ride between any two points within the city limits; said continuous ride shall include transfer at junction points, provided the passengers so transferred shall take the first car leaving after their arrival in the direction in which they may wish to go. This section is not to be construed to include a round trip, but merely a single trip from one point to another by the shortest and most direct route.

(E) The city shall not be liable to said company for any damage that may be occasioned by the breakage of any gas or water pipes or other defects in its streets or highways, or from any delays that may be occasioned by the construction of sewers, laying of water or gas pipes or electric wires or the necessary repairing of the same, or from the improvement or repairing of any street. The city further reserves to itself and to all persons lawfully authorized to do such work in its streets the right to take up and remove the rails and structure of said road whenever it shall be necessary for the repairs or improvements of the streets or for laying water or gas pipes or sewers or electric wires, or for other public purposes on the streets on which such rails may be laid; and such repairs, improvements or works shall be made by the city or persons thereto authorized without unnecessary delay, and doing no unnecessary damage to said track, and upon the change or alteration of any grade, the said company, its successors or assigns, shall at its own cost or expense, promptly raise or lower its track or tracks so as to conform to such grade, as changed.

(F) Said city railway shall be used exclusively as a passenger railway, except that passengers thereon may, without extra charge, carry a reasonable amount of hand luggage, and said company may transport thereon all materials for the construction of its road.

(G) The rights and privileges herein granted shall be for a period of forty years from the passage of this ordinance,—the first twenty years of which shall be exclusive,—provided, however, that the common council may at any time designate any other line of railway in said city as a line demanded by the public necessities. And in case said company, being notified of such designation, shall not within such reasonable time as shall be fixed by the common council construct and put in operation such line, then the common council may grant to any other company or person the exclusive right to construct and operate a street railway in the street or streets forming the line so designated, but the said city shall not require the railway company or grant to any other company or person the right to build and equip a railway that may run parallel within twelve hundred (1,200) feet



of its line or lines which it now has or may hereafter construct for the purpose of carrying passengers.

(H) When it shall be necessary for any person or persons to move across any of the streets or alleys occupied by said company, its successors or assigns, any house or other buildings of such height or size as to interfere with any of the poles or wires of said company, its successors or assigns, erected or maintained under this ordinance, the said company, its successors or assigns, shall, upon receiving at least twenty-four (24) hours' notice in writing thereof, and at the expense of the owner of such building, temporarily remove its poles and wires so far as necessary to allow the passage of such house or other buildings for a reasonable period of time, not exceeding five (5) hours, and the said company, its successors or assigns, shall be liable for any damages caused by its failure to comply with this provision; provided, that said company shall not be required to keep its poles and wires out of their normal position at any time or times other than between the hours of twelve (12) o'clock midnight and five (5) o'clock a. m., and provided further that the route selected for removing such house or other building shall first be approved by the city engineer.

SECTION 4. Should said railway company neglect or refuse to comply with the provisions of this ordinance, or with any regulation imposed by the council, under the powers herein reserved, said company shall be liable to a fine or penalty not exceeding fifty (\$50) dollars for any one offense, to be recovered by action as other penalties for violation of an ordinance, but the provisions of this section shall not apply to the forfeitures under section one hereof.

SECTION 5. The cars of said company shall be entitled to the track, and in all cases where any team or vehicle shall meet or be overtaken by any car, such team or vehicle shall give way to such car; nor shall any person wilfully obstruct, hinder or interfere with any of such railway cars by placing, driving or stopping any teams, vehicle or other obstacle in, upon or near the track of said railway after being notified by ringing the car bell, or otherwise, and whoever shall wilfully violate any of the provisions of this section shall upon conviction thereof be punished by a fine not exceeding ten (10) dollars and may be imprisoned in the county jail until said fine is paid, not exceeding thirty days.

SECTION 6. This ordinance shall be void and all rights granted hereunder shall cease and be of no effect unless said company shall file a written acceptance of the same with the city clerk within sixty days from the passage hereof.

SECTION 7. All ordinances or portions thereof heretofore adopted which conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. This ordinance shall take effect upon its passage and publication.

Approved June 10th, A. D. 1892.

WM. H. ROGERS,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, Wisconsin, on the 10th day of June, A. D. 1892.

(Ordinance No. 1038.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE regulating the construction and location of street railways on certain portions of Main street, Carroll street, and Mifflin street, in the city of Madison, and the intersections thereof at the east, south, and west corners of the Capitol park of the city of Madison.

WHEREAS, The city of Madison has heretofore decided that it was necessary to improve that portion of Main street, Carroll street, and Mifflin street fronting on the Capitol park in said city, to-wit: Main street from Carroll street to Pinckney street, together with the street intersections; Carroll street from Main street to Mifflin street, with the street intersections; Mifflin street from Carroll street to Pinckney street, with the street intersections; and,

WHEREAS, The Madison City Railway Company occupies with double tracks the central portions of the traveled parts of said streets; and

WHEREAS, In addition to the said contemplated improvement, the state of Wisconsin proposes to similarly improve for street purposes, and add to the said portions of said streets, a strip of land thirteen and one-half feet in width, making it for all purposes a portion of said streets; and

WHEREAS, The portions of said streets between the outer rail of said street railway and the gutter on the business side of said streets is so narrow that teams pass with difficulty and danger, and that teams loaded with coal, wood, and merchandise can only unload by unhitching, and with difficulty and danger; and

WHEREAS, The said tracks otherwise obstruct and interfere with the proper use of said streets; and

WHEREAS, The present grade of the roadbed of said streets will not correspond with the grade of the work as ordered; and

WHEREAS, The roadbed as now constructed would not at all be in keeping with or correspond with the remainder of said street when improved as ordered, and the present roadbed and rails now in use on said portions of said streets would be injurious to and destructive of the asphalt improvement on said portions of said streets;

*Now, Therefore, The common council of the city of Madison do ordain:*

SECTION 1. One of the tracks of the street railway company on Main street from Carroll street to Pinckney street, and on Carroll street to Mifflin street, and on Mifflin street from Carroll street to Pinckney street shall be so located that the central line of said track, except at the corners, shall be forty-seven (47) feet, and the central line of the other of said track shall be fifty-eight (58) feet from the private property lines along said portions of said streets; and the curves at the intersection of said portion of Main street with Pinckney and King streets, and at the intersection of Main street with Carroll and Hamilton streets, and at the intersection of Carroll, State and Mifflin streets, and at the intersection of Mifflin, Pinckney, and Hamilton streets, at the east, south, west, and north corners of the Capitol park respectively, shall be so located as in the judgment of the Street Assessment committee of said city shall best serve to connect the portions of said street railway on said portions of said street with the continuations of said railway. The track on said portions of said street shall be constructed with grooved rails of standard, approved pattern, not less than six (6) inches in height and weighing not less than seventy (70) pounds per yard, connected by the Falk cast or other standard cast joints. The ties on said portions of said streets shall be six (6) inches by eight (8) inches by seven (7) feet, placed two (2) feet from center to center, and each tie shall be thoroughly bedded upon a bed of concrete six (6) inches deep by sixteen (16) inches wide by seven (7) feet six (6) inches long, the center line of which is to be coincident with the center lines of the ties. All filling around the ties shall be concrete. The old roadbed shall be brought to grade by the company owning the railway on said portions of said streets so far as practicable with the macadam excavated in laying the said tracks, as herein provided for.

SECTION 2. Work on the laying of the tracks and the construction



of the roadbed as herein provided for shall first be done on said portions of Main street and shall be commenced at the intersection of Main and Pinckney streets on or before the first day of May, 1900, and shall thereafter be continued with all convenient speed until completed.

SECTION 3. Should said railway company neglect or refuse to comply with the provisions of this ordinance, said company shall be liable to a fine or penalty not exceeding fifty (50) dollars for any one offense, to be recovered by action as other penalties for violation of any ordinance, and each day that said company neglects or refuses or delays said work after the time herein specified shall constitute a separate offense.

SECTION 4. All parts of the ordinance number 1038, approved June 10, A. D. 1892, and other ordinances relating to the construction of street railways inconsistent herewith, are hereby repealed.

SECTION 5. This ordinance shall be of force and effect from and after its passage and publication.

Approved the 12th day of March, 1900.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, Wisconsin, on the 9th day of March, A. D. 1900.

(Ordinance No. 1217.) O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE conferring certain rights and privileges upon the Madison Street Railway Company.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. Authority and permission is hereby granted to the Madison Street Railway company to lay and maintain a single or double track for a street railway in, over, and upon the streets and bridges of this city and run cars thereon, propelled by any power other than locomotive steam engines, not constituting a public nuisance, with all the necessary switches, curves, turnouts and other appliances and conveniences, upon the express condition that the said company shall construct and have in operation within this city a line of railway extending from the state fair grounds to the East Madison railroad depots, on or before November 1st, A. D. 1885; to Brearily

street in the Third ward on or before November 1st, A. D. 1887, and from Capitol park to Few street in the second ward, on or before November 1st, A. D. 1888, and shall thereafter at all times during the continuance of this license maintain and operate the same. The authority hereby granted shall, subject to the conditions and limitations in this ordinance contained, be exclusive for the period of twenty-five years from the passage of this ordinance. Provided, however, that the common council may at any time designate any other line of railway in said city as a line demanded by the public necessities, and in case said company, upon being notified of such designation, shall not within such reasonable time as shall be fixed by the common council, construct and put in operation such line, then the common council may grant to any other company or person the exclusive right to construct and operate a street railway in the street or streets forming the line so designated. And in case the said company shall fail or neglect to construct, complete and thereafter to operate the several lines of railway in this section designated and required to be built over the routes and within the times in said section provided, said company shall forfeit all rights, privileges and franchises under this ordinance and the same shall be null and void and of no effect.

SECTION 2. Said railway shall be constructed in a good and substantial manner and in accordance with approved plans for the construction of such roads, and so as to obviate as far as possible any obstruction or hindrance to other proper use of said streets and bridges and upon or as near the middle of the streets as may be practicable, and the cars to be run on such railway and the other equipment shall be of the best class and style in use on such railways. And the roadbed shall at all times correspond with the actual grade of the street and shall be so laid and maintained that carriages and other vehicles can easily and freely cross said track at any and all points, and in any and all directions without obstruction; and in case the common council shall at any time change the actual grade of any street on which their tracks are laid, said company shall immediately upon the completion of such change, relay their tracks to correspond to such grade. When snow shall be thrown from the railway track it shall be leveled or disposed of by said company so as not to be an obstruction to travel on the street. And said company shall keep the space between the rails and for the distance of one foot on the outer side of the rails in proper repair so as not to interfere with travel over the same, and shall keep the same in proper order as to cleanliness at its own cost and expense.

SECTION 3. Whenever any street upon which any of said tracks may be located shall hereafter be paved or macadamized, the said railway



company shall pave or macadamize the roadbed between and one foot on either side on the outside of the rails of the track of their said road, and shall at all times make and keep the tracks between and one foot on either side on the outside of the rails thereof equally as good as the streets shall be outside of their tracks, and shall correspond in surface and improvements with the said street outside of said track. And it shall be the duty of said company to repair any and all damages done to the streets, macadamizing, curbs, cross or side walks, gutters or other public or private property by the construction or repairing of the tracks along the streets as herein provided for, and further to protect and save harmless the city of Madison against all claims, for damages arising from the construction, operation or management of tracks or roads provided for herein.

SECTION 4. The common council reserves the power to make reasonable regulations respecting the speed of running, and the manner of running and stopping the cars for the safety and convenience of the public, and respecting the frequency of running cars; and also the power to impose a license fee not to exceed \$5 per year for each car actually run after the expiration of ten years from the passage of this ordinance, no license to be imposed before the expiration of the said ten years; and to limit the rate of fare to be charged but not to reduce the passenger fare below five cents for a trip over one continuous line or part thereof. The said city of Madison shall not be liable to said company for any damage that may be occasioned by the breakage of any gas or water pipes or other defects in its streets or highways, or from any delays that may be occasioned by the construction of sewers, laying of water or gas pipes, or electric wires, or the necessary repairing of the same, or from the improvement or repairing of any street. The city of Madison hereby reserves to itself and all persons lawfully authorized to do such work in its streets, the right to take up and remove the rails and structure of said road whenever it shall be necessary for the repairs or improvement of the streets, or for laying water or gas pipes or sewers or electric wires, or for other public purposes on the streets on which such rails may be laid, and such repairs, improvements or works shall be made by the city or persons thereto authorized, without unnecessary delay, and doing no unnecessary damage to said track. Said street railway shall be used exclusively as a passenger road, except that passengers thereon may, without extra charge, carry a reasonable amount of hand luggage, and said company may transport thereon all materials for the construction of its road.

SECTION 5. Should said railway company neglect or refuse to comply with the provisions of this ordinance, or with any regulations im-



posed by the council, under the powers herein reserved, said company shall be liable to a fine or penalty not exceeding fifty dollars for any one offense, to be recovered by action as other penalties for violation of an ordinance, but the provisions of this section shall not apply to the forfeitures under section one herēof.

SECTION 6. The cars of said company shall be entitled to the track, and in all cases where any team or vehicle shall meet or be overtaken by any car, such team or vehicle shall give way to such car, nor shall any person wilfully obstruct, hinder or interfere with any of such railway cars by placing, driving or stopping any teams, vehicle or other obstacle, in, upon or near the track of said railway after being notified by ringing of the car bell, or otherwise. And whoever shall wilfully violate any of the provisions of this section shall upon conviction thereof, be punished by a fine not exceeding ten dollars, and may be imprisoned in the county jail until said fine is paid, not exceeding thirty days.

SECTION 7. This ordinance shall be void and all rights granted hereunder shall cease and be of no effect unless said company shall file a written acceptance of the same with the city clerk within sixty days from the passage hereof.

SECTION 8. This ordinance shall take effect and be in force from and after its first passage and publication.

JAMES CONKLIN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, Wis., on the 8th day of March, A. D. 1884.

JOHN CORSCOT,  
City Clerk.

(Ordinance No. 842.)

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AN ORDINANCE granting to the Madison Electric Railway Company permission to extend its double track on Hamilton street.

*The common council of the city of Madison do ordain:*

SECTION 1. Subject to the provisions of the ordinance granting to the Madison City Railway Company the right to construct, maintain and operate an electric street railway in the said city of Madison, and to the provisions of the General Pole Ordinance, so-called, permission is hereby granted to the Madison Electric Railway Company to construct, maintain and operate a double track for such street railway purposes along North Hamilton street from its intersection

with Pinckney and Mifflin streets to its intersection with Johnson street, and to construct, maintain and operate a switch along said Johnson street at the intersection of said Johnson and Hamilton streets.

SECTION 2. All provisions of said ordinances conflicting with the right herein granted are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after its passage and publication.

Approved June 13th, 1899.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 22d day of May, 1899.

O. S. NORSMAN,  
City Clerk.

(Ordinance No. 1192.)

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AN ORDINANCE regulating the construction and location of street railways on certain portions of Main street, Carroll street, and Mifflin street, in the city of Madison, and the intersections thereof at the east, south, and west corners of the Capitol park of the city of Madison.

WHEREAS, The city of Madison has heretofore decided that it was necessary to improve that portion of Main street, Carroll street and Mifflin street fronting on the Capitol park in said city, to-wit: Main street from Carroll street to Pinckney street, together with the street intersections; Carroll street from Main street to Mifflin street, with the street intersections; Mifflin street from Carroll street to Pinckney street, with the street intersections; and

WHEREAS, The Madison Traction Company occupies with double tracks the central portions of the traveled parts of said streets; and

WHEREAS, The portions of said streets between the outer rail of said street railway and the gutter on the business side of said streets is so narrow that teams pass with difficulty and danger, and that teams loaded with coal, wood, and merchandise can only unload by unhitching, and with difficulty and danger; and

WHEREAS, The said tracks otherwise obstruct and interfere with the proper use of said streets; and

WHEREAS, The present grade of the roadbed of said streets will not correspond with the grade of the work as ordered; and

WHEREAS, The roadbed as now constructed would not at all be in keeping with or correspond with the remainder of said street when improved as ordered, and the present roadbed and rails now in use on said portions of said streets would be injurious to and destructive of the asphalt improvement on said portions of said streets;

*Now, Therefore, The common council of the city of Madison do ordain:*

SECTION 1. One of the tracks of the street railway company on Main street from Carroll street to Pinckney street, and on Carroll street from Main street to Mifflin street; and on Mifflin street from Carroll street to Pinckney street shall be so located that the central line of said track, except at the corners, shall be forty-seven (47) feet, and the central line of the other of said track shall be fifty-eight (58) feet from the private property lines along said portions of said streets; and the curves at the intersection of said portion of Main street with Pinckney and King streets, and at the intersection of Main street with Carroll and Hamilton streets, and at the intersection of Carroll, State, and Mifflin streets, and at the intersection of Mifflin, Pinckney, and Hamilton streets, at the east, south, west, and north corners of the Capitol park respectively, shall be so located as in the judgment of the Street Assessment committee of said city shall best serve to connect the portions of said street railway on said portions of said street with the continuations of said railway. The track on said portions of said streets shall be constructed with tee rails of standard approved pattern not less than six (6) inches in height and weighing not less than 70 pounds per yard connected by the Falk cast or other standard cast joint. The rails shall be held to gauge by means of three (3) inch by three (3) inch by 5-16 inch angle irons spaced every eight (8) feet and securely fastened to base of rail.

The tracks shall be brought to grade with wooden ties spaced every eight feet alternating with the angle irons, said ties to be not less than 6 inches by 8 inches by 7 feet, and shall be securely fastened to rails.

No cars shall pass over the track until the concrete under rails and ties shall have been allowed to set for at least seven (7) days.

SECTION 2. Work on the laying of the tracks and the construction of the roadbed as herein provided for shall first be done on said portions of Main street and shall be commenced at the intersection of



Main and Pinckney streets on or before the first day of June, 1903, and shall thereafter be continued with all convenient speed until completed.

SECTION 3. Should said railway company neglect or refuse to comply with the provisions of this ordinance, said company shall be liable to a fine or penalty not exceeding fifty (50) dollars for any one offense, to be recovered by action as other penalties for violation of any ordinance, and each day that said company neglects or refuses or delays said work after the time herein specified shall constitute a separate offense.

SECTION 4. This ordinance shall be in force and effect from and after its passage and publication.

Approved the 11th day of April, 1903.

J. W. GROVES,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison on the 10th day of April, A. D. 1903.

O. S. NORSMAN,  
City Clerk.

(Ordinance No. 1281.)

## TELEGRAPH AND TELEPHONE FRANCHISES.

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AN ORDINANCE authorizing the American Telephone and Telegraph Company of Wisconsin to use the public streets of the city of Madison for the purpose of placing poles and electrical conductors thereon.

*The common council of the city of Madison do ordain:*

SECTION 1. That permission be and the same is hereby granted the American Telephone and Telegraph Company of Wisconsin, its successors and assigns, to construct, operate and maintain its lines of telephone and telegraph, including the necessary conductors, upon, over, or under such streets and highways of the city of Madison as its business may from time to time require, provided that all poles or other means of carrying or conducting wires shall be of the material and description and shall be placed, and all wires or other electrical conductors shall be placed and strung, strictly in accordance and subject to all the provisions of the amended pole ordinance of said city as adopted on the 24th day of January, 1896, it being specifically understood and agreed that said pole ordinance and all amendments thereto hereafter adopted shall be to all intents and purposes a part of this franchise and ordinance as if fully herein set forth.

SECTION 2. This franchise is granted with the understanding and agreement that the said American Telephone and Telegraph company, its successors and assigns, shall maintain and use an office and operate on its said telephone and telegraph lines at some convenient point in said city of Madison, but it shall not establish a local exchange therein.

SECTION 3. The American Telephone and Telegraph Company of Wisconsin shall trim or remove no trees without the permission of the owner thereof having been first duly had and obtained.

SECTION 4. The city of Madison shall have the right at any time to repeal, alter or amend this ordinance and all provisions or any provision thereof as it shall see fit.

SECTION 5. Said American Telephone and Telegraph Company of Wisconsin, its successors and assigns, shall within sixty days after this ordinance takes effect, file with the city clerk of said city its written acceptance of the franchise hereby granted, and shall enter upon the construction and maintenance of said line, and shall have substantially complied with the terms of this ordinance on or before January 1st, 1898.

SECTION 6. This ordinance shall be of force and effect from and after its passage and publication.

Approved July 31st, 1897.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 30th day of July, 1897.

(Ordinance No. 1151.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE to amend an ordinance authorizing the American Telephone and Telegraph Company of Wisconsin to use the public streets of the city of Madison for the purpose of placing poles and electrical conductors thereon.

*The common council of the city of Madison do ordain:*

SECTION 1. Section 2 of an ordinance entitled, "An Ordinance authorizing the American Telephone and Telegraph Company of Wisconsin to use the public streets of the city of Madison for the purpose of placing poles and electrical conductors thereon," and approved July 31, 1897, is hereby amended by striking out the last words in said section as follows: "But it shall not establish a local exchange therein," so that said section when amended shall read as follows: Section 2. This franchise is granted with the understanding and agreement that the said American Telephone and Telegraph Company, its successors and assigns, shall maintain and use an office and operator on its said telephone and telegraph lines at some convenient point in the city of Madison.

SECTION 2. This ordinance shall be in force and effect from and after its passage and publication.

Approved August 13th, 1897.

M. J. HOVEN,  
Mayor.



Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 13th day of August, 1897.

(Ordinance No. 1152.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE authorizing the Chicago and North Western Telegraph Company to erect and maintain telegraph poles and wires thereon, within the city of Madison, Wisconsin.

*The common council of the city of Madison, Wisconsin, do ordain as follows:*

SECTION 1. That authority is hereby granted to the Chicago and North Western Telegraph Company to erect and maintain telegraph poles, and to string telegraph and telephone wires thereon, within the city of Madison, Wis., upon such streets and alleys as shall be designated for that purpose by the mayor and street committee of said city.

SECTION 2. All poles which shall be erected under this ordinance shall be planed and painted and shall be of such size and shall be placed at such points, on the margin of the sidewalk, as shall be designated by the mayor and street committee of said city, and shall be erected, and said wires strung thereon under their supervision and subject to the control of the common council of said city.

SECTION 3. Whenever any street on which any telegraph pole shall have been set under this ordinance, shall be graded or paved, the said company shall, whenever requested by the common council, at its own cost, re-set said poles so as to conform to the street, as it shall be reconstructed.

SECTION 4. Provided this ordinance may be, at any time, repealed, altered or amended by the common council of said city.

SECTION 5. This ordinance shall take effect and be in force from and after its passage.

JAMES CONKLIN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 8th day of March, 1884.

JOHN CORSCOT,  
City Clerk.  
(Ordinance No. 843.)

AN ORDINANCE granting to the Postal Telegraph Cable Company the right to construct, erect, operate and maintain a telegraph system in the city of Madison.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. The Postal Telegraph Cable Company, its successors and assigns, are hereby granted a right of way through, in and upon the streets, alleys and public grounds of the city of Madison, for the purpose of erecting and maintaining the posts of wood, iron or other suitable material and the wires and other apparatus necessary to operate a telegraph system and telegraph exchange in said city.

SECTION 2. This ordinance is made and accepted subject to the conditions of a general ordinance regulating the erection of telephone, telegraph, electric, railroad and street railway poles and posts, and the stringing of wires thereon in the city of Madison, passed on the 20th day of December, 1895, and said general ordinance as amended January 24th, 1896, and it is also made and accepted subject to any future amendments, conditions or modifications of said ordinance, and subject to any ordinances hereafter enacted relating to the erection of telephone, telegraph, electric, railroad and street railway poles or posts, or the stringing of wires, or an ordinance relating to or regulating telephone, telegraph, electric or railway systems in said city.

SECTION 3. This ordinance shall be accepted by said company in writing within twenty days from and after its filing and passage and approval.

SECTION 4. The construction of said system shall be commenced within three months from the date of the acceptance of this ordinance, and unless so commenced and finished within six months thereafter, this ordinance shall be considered forfeited and nothing herein contained shall operate to confer upon said company an exclusive franchise.

SECTION 5. This ordinance shall take effect from and after its passage and publication, provided it is accepted as aforesaid.

Approved August 15, 1896.

A. A. DYE,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 14th day of August, 1896.

(Ordinance No. 1127.) O. S. NORSMAN,  
City Clerk.

AN ORDINANCE granting to the Postal Telegraph Cable Company the right to construct, erect, operate and maintain a telegraph system in the city of Madison.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. The Postal Telegraph Cable Company, its successors and assigns, are hereby granted a right of way through, in and upon the streets, alleys and public grounds of the city of Madison for the purpose of erecting and maintaining the posts of wood, iron or other suitable material and the wires and other apparatus necessary to operate a telegraph system and telegraph exchange in said city.

SECTION 2. This ordinance is made and accepted subject to the conditions of a general ordinance regulating the erection of telephone, telegraph, electric, railroad and street railway poles and posts, and the stringing of wires thereon in the city of Madison, passed on the 20th day of December, 1895, and said general ordinance as amended January 24th, 1896, and it is also made and accepted subject to any future amendments, conditions or modifications of said ordinance, and subject to any ordinances hereafter enacted relating to the erection of telephone, telegraph, electric, railroad and street railway poles or posts, or the stringing of wires, or any ordinance relating to or regulating telephone, telegraph, electric, or railway systems in said city.

SECTION 3. This ordinance shall be accepted by said company in writing within twenty days from and after its filing and passage and approval.

SECTION 4. The construction of said system shall be commenced within three months from the date of the acceptance of this ordinance, and unless so commenced and finished within six months thereafter, this ordinance shall be considered forfeited and nothing herein contained shall operate to confer upon said company an exclusive franchise.

SECTION 5. This ordinance shall take effect from and after its passage and publication, provided it is accepted as aforesaid.

Approved November 12, 1897.

M. J. HOVEN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 12th day of November, 1897.

O. S. NORSMAN,  
City Clerk.

(Ordinance No. 1161.)



AN ORDINANCE granting permission to erect and maintain a system of telephones, or a telephone exchange, in the city of Madison, Wisconsin.

*Be it ordained by the common council of the city of Madison, Wisconsin:*

SECTION 1. That the Standard Telephone & Electric Company, of Madison, Wisconsin, and its successors and assigns, be and they are hereby granted the right of way through, in and upon the streets, sidewalks, alleys and public grounds of the city of Madison, county of Dane, state of Wisconsin, for the uses and purposes of therein and thereon to erect, maintain and use all the necessary poles or posts of wood, iron or other suitable material, and the necessary wires successfully to operate and use a system of telephones, or a telephone exchange in the city of Madison, aforesaid. Provided, That the said Standard Telephone & Electric Company and its successors and assigns, shall maintain and use an office and operator on lines of telephone wire at some convenient point in said city. And provided the said city reserves the right at any time to direct any alteration in the location of said poles or posts, and also the height at which wires shall be run. And provided, further, that said Standard Telephone & Electric Company, its successors and assigns, shall hold the city of Madison harmless of and free from any action caused or occurring through or by reason of the neglect, mismanagement or default of said Standard Telephone & Electric Company, its successors and assigns, in the construction and operation of said poles and wires.

SECTION 2. The poles hereby authorized to be erected shall be straight planed or shaved and painted, and all poles within the distance of one mile from the Capitol park shall be at least thirty-five (35) feet in height above the ground. Whenever the said poles or posts are erected on a street they shall be placed in all cases, when practicable, on the outer edge of the sidewalk just inside of the curbstone and on the line dividing the lots one from the other, and in no case to be so placed as to obstruct the drainage of the streets or to interfere with or damage the trees or other public or private property on the line of the street or alley where such posts or poles shall be erected. And the said common council reserves the right to compel the said Standard Telephone & Electric Company, its successors and assigns, to cable its wires around the Capitol park at the cost of the said Standard Telephone & Electric Company.

SECTION 3. Whenever any street on which any of said poles shall have been set shall be graded or paved, the said company shall reset

said poles so as to conform to the street as reconstructed, and the said company shall put and keep in order all those parts of the streets, sidewalks, alleys or public grounds interfered with or used in the erection of said poles or posts, and shall thereafter so maintain the same in like good order.

SECTION 4. Said common council expressly reserves the right to grant the right of way to, in and upon the said streets, sidewalks, alleys and public grounds for the erection, maintenance and use of the necessary poles and posts and wires to any other company or individual when requested, the same not to interfere with the proper and successful use of the rights hereby granted the said Standard Telephone & Electric Company, its successors and assigns.

SECTION 5. The common council shall enact such ordinances as may become necessary for the protection of telephone posts, fixtures and wires against abuse and injury.

SECTION 6. The common council shall have the right to the use without charge of any pole or post so erected and maintained by said Standard Telephone & Electric Company, its successors and assigns, for the purpose of thereon stringing and maintaining wire or wires for the exclusive use of the city's departments, provided, that such use by the city shall be reasonable.

The city of Madison reserves the right to allow or grant other persons or corporations the right to use the poles or posts of the said Standard Telephone & Electric Company, its successors and assigns, providing that the said use of said poles or posts shall always be subordinate to the primary use of the said Standard Telephone & Electric Company; and provided, further, that the use of said poles or posts belonging to the said Standard Telephone & Electric Company by any other company, corporation or person shall be on the payment of reasonable compensation for the use of the same, to be computed on a cost basis. And provided that the city of Madison in the same ordinance granting such rights shall require the person or corporation to whom such rights are granted, to grant the same rights in and to their own poles and posts to the said Standard Telephone & Electric Company, its successors and assigns.

SECTION 7. Said Standard Telephone & Electric Company, its successors and assigns, shall within thirty days after this ordinance takes effect file with the city clerk of said city its written acceptance of franchise hereby granted, and shall enter into the construction and maintenance of its exchange, and shall have substantially complied with the terms of this ordinance on or before December 1, 1896.

SECTION 8. Said city shall have the right at any time to repeal,



alter or amend said ordinance and all and any provision thereof, as it shall see fit.

SECTION 9. This ordinance shall take effect and be in force upon and after its passage and publication.

Approved August 10, 1895.

JABE ALFORD,

Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, Wisconsin, on the 9th day of August, A. D. 1895.

O. S. NORSMAN,

City Clerk.

(Ordinance No. 1109.)

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AN ORDINANCE granting permission to erect and maintain a system of telephones, or a telephone exchange, in the city of Madison, Wisconsin.

*Be it ordained by the common council of the city of Madison, Wisconsin:*

SECTION 1. That the "Wisconsin Telephone Co." and its successors and assigns be, and they are hereby granted the right of way through, in and upon the streets, sidewalks, alleys and public grounds of the city of Madison, in the county of Dane and state of Wisconsin, for the use and purposes of therein and thereon to erect, maintain and use all the necessary poles or posts of wood, iron or other suitable material, and the necessary wires successfully to operate and use a system of telephones, or a telephone exchange in the city of Madison, aforesaid; Provided, that the said Wisconsin Telephone Company and its successors and assigns, shall maintain and use (under proper and reasonable restrictions and rules) an office and operate on lines of telephone wire at some convenient point in said city, and shall so set said poles or posts, and place the wires thereon in such places and in such manner as not to interfere with travel on said streets, sidewalks, alleys and public grounds, aforesaid, and shall put and keep in good order all those parts of the same interfered with or used in the erection of said poles or posts, and shall hereafter so maintain the same in like good order.

SECTION 2. Said poles shall be so set as not to interfere with the flow of water in any gutter or drain in said city, and the points of location shall be determined under the direction of the street commissioner, or the city civil engineer.



SECTION 3. The said common council expressly reserves the right to grant the right of way through, in and upon said streets, sidewalks, alleys and public grounds, for the erection, maintenance and use of the necessary poles or posts and wires of any telephone company or individuals, whenever requested, the same not to interfere with proper and successful use of the rights hereby granted to the said Wisconsin Telephone Company and its successors and assigns.

SECTION. 4. The common council shall enact such ordinances as may become necessary for the protection of telephone poles, fixtures and wires against abuse and injury.

SECTION 5. Said city shall have the right at any time to repeal, alter or amend said ordinance and all provision thereof as it shall see fit.

Approved December 9, 1882.

JAMES CONKLIN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, December 2, 1882.

JOHN CORSCOT,  
City Clerk.

(Ordinance No. 821.)

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AN ORDINANCE granting to the Western Union Telegraph Company the right to place and maintain its poles and lines in the streets, alleys and public ways of the city of Madison, state of Wisconsin, on the terms and conditions herein stated.

SECTION 1. Be it ordained by the common council of the city of Madison, state of Wisconsin, that the Western Union Telegraph Company, its successors and assigns, are authorized to erect and maintain on the streets, alleys and public ways of said city the poles, fixtures and wires necessary for the purpose of supplying the citizens of said city and to the public, communication by telegraph or other improved electrical device, such use to be and continue upon the terms and conditions hereinafter stated.

SECTION 2. The location of the poles and lines now in use is hereby approved, and the location of all poles and lines hereafter to be erected, and any change in the location of the poles and lines now in use or extensions thereof shall be under the direction and control of the common council of said city.

SECTION 3. Said poles and wires shall be placed and maintained so as not to interfere with travel on said highways, and said company shall hold said city free and harmless from all damages arising

by reason of said occupancy. This grant is made and is to be enjoyed subject to such reasonable regulations and ordinances of a police nature as said common council of said city is authorized and sees proper at any time to adopt, not destructive to the rights herein granted.

SECTION 4. The right of use herein given shall not be exclusive, and the common council of said city reserves the power to grant a like right of way to any other telegraph company, the same, however, not to interfere with the reasonable and proper exercise of the privileges herein granted, and to revoke this license any time.

SECTION 5. In consideration whereof, said Western Union Telegraph Company shall, and by the acceptance of this ordinance does, agree to allow the common council of said city to attach at any time to the top cross arm of any of said poles, where practicable, the city fire-alarm and police wires, and said poles are hereby made a municipal instrumentality for that purpose; provided, however, said attachment shall be so made as not to interfere with said company's use; and said attachment shall be made and maintained under the direction of said company's manager in said city of Madison. The said company shall and will furnish for the said city the use of its poles for the attachment thereto of its fire alarm boxes without charge to said city.

SECTION 6. This ordinance shall take effect on and after its passage and the filing by said company of unconditional acceptance thereof in the office of the city clerk of said city.

SECTION 7. That whenever said company ceases to operate a telegraph line in said city of Madison and ceases to use the said poles and lines herein provided for, in the operation of its line of telegraph, then said company shall remove said poles and lines from the streets and alleys of said city within sixty days from the date that said company so ceases to use and operate said lines.

SECTION 8. All ordinances and parts of ordinances, orders and resolutions upon the subject of telegraph poles, wires, etc., of previous date, so far as the same relate to the Western Union Telegraph Company, are hereby repealed and annulled.

Passed April 8th, 1892.

Approved.

WM. H. ROGERS,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 8th day of April, 1892.

O. S. NORSMAN,

(Ordinance No. 1032.)

City Clerk.

## **GAS, ELECTRIC LIGHT AND POWER FRANCHISES.\***

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AN ORDINANCE granting to the Four Lakes Light & Power Company, its successors and assigns, the right to construct, erect and maintain an electric light and power plant in the city of Madison, Wisconsin.

SECTION 1. *Be it ordained by the council of the city of Madison, state of Wisconsin:*

That permission is hereby granted to said company to enter upon the highways in said city of Madison, and to construct, erect and maintain in, along and over said highways, posts, poles, wires and other appliances and fixtures for electric light, heat and power purposes, subject to all general provisions of statute law now in force and applicable thereto, and to such reasonable rules and regulations respecting such highways as said council of the city of Madison may from time to time enact.

SECTION 2. Said company is hereby granted the right to construct, erect and maintain or to acquire by purchase from the owners of any such plant an electric light and power plant in said city of Madison, and to repair, enlarge and extend the same and carry on the business of selling electric light, heat and power.

SECTION 3. The authority and permission herein granted are subject to the following terms and restrictions: (a) All posts and poles used in the construction of the pole lines in connection with the plant shall be reasonably straight, placed in or adjacent to the line of the curb of the sidewalk, or otherwise, in such manner as not unreasonably to impede public travel, and subject to the general regulation and control of the city authorities. All poles shall be shaved and painted with two coats of good paint and so kept. (b) The said company shall hold the city of Madison harmless of and from any and



all causes of action, liabilities and damages caused or accruing through or by reason of the neglect, mismanagement or default of said company in the construction and operation of said plant. (c) During the construction of that portion of said plant which is to be erected in, along and over the highways of said city of Madison, the said company shall not unnecessarily impede public travel thereon, and shall leave all said highways, upon which it may enter for the purpose herein authorized, in as good condition as they were at the date of said entry.

SECTION 4. The company grants the city the right to erect, string and maintain such wires as it may now have or hereafter possess, in, along, and on the poles of said company, without charge.

The city reserves the right to allow or grant other companies the right to use the poles of the Electric Company, by paying the said company reasonable compensation for the use of same on a cost basis, and grants said company the same rights on other corporation poles so far as the city may have the power to do.

SECTION 5. (a) The word "company," wherever used in this ordinance, shall be deemed to mean and include "The Four Lakes Light & Power Company, its successors and assigns." (b) The word "highway" in this ordinance shall be deemed to include streets, alleys, bridges and other public places. (c) The word "plant" shall be deemed to include all the tangible property of every kind and description of said company used in, or about, or in connection with its business of furnishing electric light, heat and power in said city of Madison.

SECTION 6. This ordinance shall be accepted by said company within ten days from and after its final passage and approval.

SECTION 7. The construction of said plant shall be commenced, or purchase of such a plant shall be made within ten days from the date of the acceptance of this ordinance (but not before said ordinance is accepted as hereinfore provided), and unless so commenced or purchased within the time above limited, the rights granted by this ordinance shall be considered forfeited. Nothing herein contained shall operate to confer upon said company an exclusive franchise.

SECTION 8. All ordinances or portions thereof heretofore adopted, which conflict with the provisions of this ordinance are hereby repealed.

SECTION 9. This ordinance shall be published according to law, in the Madison Democrat.

SECTION 10. This ordinance shall take effect from and after its passage and publication, provided it is accepted as aforesaid.

Approved August 26th, 1892.

CHAS. W. HEYL,  
Acting Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 26th day of August, 1892.

(Ordinance No. 1045.)

O. S. NORSMAN,  
City Clerk.

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AN ORDINANCE granting to George W. Gilman, I. C. Woodward and John W. Hudson the right to maintain and operate a system of electric light and power in the city of Madison, Wisconsin.

*The common council of the city of Madison do ordain as follows:*

SECTION 1. That George W. Gilman, I. C. Woodward and John W. Hudson, be and the same are hereby empowered and authorized to erect, operate and maintain a system of electric light and power, with all the necessary appliances and appurtenances in erecting, operating and maintaining the same, provided, however, that the said George W. Gilman, I. C. Woodward and John W. Hudson shall not within the period of five years from the passage of this ordinance, sell, transfer, assign or dispose of the rights, privileges and franchises hereby to them granted, to any person or persons, company or corporation whatever, except to the city of Madison, and provided further, that the said George W. Gilman, I. C. Woodward and John W. Hudson will upon demand made by the city of Madison deliver to the clerk of said city a written, itemized statement duly verified and sworn to, of the amount of wire put up, posts erected, machinery in operation, the number of lights then being used, and all other property and appliances used in connection with and about said electric light system, and the actual cost of the same for the purpose of having said city of Madison purchase all of said property above mentioned; and the said George W. Gilman, I. C. Woodward and John W. Hudson accept the rights, privileges and franchises hereby granted upon the express condition that they will, upon demand of the said city of Madison, sell and assign all of the said property above mentioned to said city of Madison and make lawful conveyance thereof upon payment of the cost price as shown by said written and verified statement, by said city of Madison, to said George W. Gilman, I. C. Woodward and John W. Hudson, and in case the said George W. Gilman, I. C. Woodward and John W. Hudson shall fail, omit or refuse to comply with the said demand, conditions and provisions above stated, they shall forfeit all rights, privileges and franchises under this ordinance, and this ordinance shall be null and void and of no effect.



SECTION 2. Such electric light and power system shall be erected and must be in operation on or before the expiration of sixty days from the date of the passage of this ordinance; and in case such electric light and power system is not erected and in operation within the time above prescribed all rights, privileges and franchises hereby granted shall be null and void and of no effect.

SECTION 3. The city of Madison hereby grants to said George W. Gilman, I. C. Woodward and John W. Hudson the right and privilege to use and cross any street or alley needed in erecting, operating and maintaining such electric light and power system, under the direction and supervision of said city of Madison; provided, that the public use of either or any such street or alley is not thereby unnecessarily restricted and interfered with and said city hereby relinquishes all claim for compensation for use of any such streets or alleys.

SECTION 4. The said city of Madison expressly reserves to itself the right to make and impose such regulations and conditions relative to the place and manner of crossing said streets and alleys, the nature and kinds of poles and towers to be used, the particular kind of light to be furnished, the location of the poles or towers in the streets, the location of the plant, boilers and engines, the extent and direction of the lines to any portion of the city, and to impose such other regulations and conditions as to the operating and maintaining such electric light and power system as may from time to time be deemed reasonable and just. Upon failure to comply with any and all the conditions and requirements herein contained, on the part of said George W. Gilman, I. C. Woodward and John W. Hudson, all the rights, privileges and franchises hereby granted shall be null and void and of no effect.

SECTION 5. This ordinance shall be void and all rights granted hereunder shall cease and be of no effect unless said George W. Gilman, I. C. Woodward and John W. Hudson shall file a written acceptance of the same with the city clerk within fifteen days from the passage thereof.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and publication.

Approved April 16, 1888.

JAMES CONKLIN,  
Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 13th day of April, 1888.

JOHN CORSCOT,  
City Clerk.

(Ordinance No. 938.)



AN ORDINANCE amending the ordinance granting to George W. Gilman and others the right to maintain a system of electric light.

*The common council of the city of Madison do ordain as follows:*

That the present owners of the Madison Electric Company, to-wit, George W. Gilman, Carl Hausmann and John W. Hudson, their successors or assignees, shall have the right to organize as a corporation under the general laws of the state of Wisconsin, and that all provisions of said original ordinance prohibiting or interfering with the sale of said franchise or property are hereby repealed; provided, that nothing in this ordinance shall be construed as granting an exclusive franchise.

Approved August 17, 1891.

JABE ALFORD,  
Acting Mayor.

Notice is hereby given that the foregoing ordinance was passed by the common council of the city of Madison, on the 14th day of August, 1891.

O. S. NORSMAN,  
City Clerk.

(Ordinance No. 1019.)

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AN ACT to incorporate the Madison Gas Light & Coke Company.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Leonard J. Farwell, Simeon Mills, Julius P. Atwood, Francis G. Tibbits, David Atwood, Henry Parkins, Samuel Marshall, N. W. Dean, B. F. Hopkins, Levi B. Vilas, David J. Powers, and their associates, be and are hereby created a body politic and corporate, with perpetual succession, by the name and style of the "Madison Gas Light & Coke Company, and by that name, they and their successors shall be capable in law, of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full power to acquire, hold and occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the work of said company, and for the proper management and good government of the same; and they may have a common seal, and the same may be altered and renewed at pleasure.

SECTION 2. The corporation hereby created shall have full power

and authority to manufacture and sell gas, to be made from any and all of the substances, or a combination thereof, from which inflammable gas can be obtained, and to be used for the purpose of lighting the village or city of Madison, Wisconsin, or the streets and public park thereof, also, all buildings, public and private, therein contained, and erect all the necessary works and apparatus, and to lay pipes for the purpose of conducting the gas in and along any of the streets or avenues of said village or city. The real estate which this corporation is entitled to hold, shall not exceed in value fifty thousand dollars.

SECTION 3. The capital stock of said company shall not exceed two hundred thousand dollars, to be subscribed for, and paid in such proportion as shall be prescribed by the by-laws and rules regulating the concerns of said company.

SECTION 4. The property and concerns of said corporation shall be managed and conducted by a board of seven directors. L. J. Farwell, J. P. Atwood, N. W. Dean, Levi B. Vilas, David Atwood, B. F. Hopkins and David J. Powers, shall be the first directors of said corporation and shall continue in office until others shall be chosen. The first election of directors shall be held on the second Monday in October, 1857, and annually thereafter in the village or city of Madison, at 1 o'clock P. M., of said day. But if it shall at any time happen that an election of directors shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such manner as shall be provided for in the by-laws of said corporation. Said corporation shall have the exclusive privilege of supplying the village or city of Madison and its inhabitants with gas, for the purpose of affording light, for fifteen years from the completion of said works.

SECTION 5. The directors of said corporation shall have power to appoint such officers and agents as they may deem necessary, and prescribe their duties, and take the necessary bonds for the faithful performance thereof; and may from time to time adopt such by-laws and regulations for the business of said corporation as they may deem expedient; such by-laws and regulations not to be inconsistent with the constitution and laws of the United States or of this state.

SECTION 6. This act shall be in force and take effect from and after its passage.

Approved January 17, 1855.

Chapter I, of the Private and Local Laws of the State of Wisconsin for 1855.

AN ACT to amend an act entitled, "An act to incorporate the Madison Gas Light & Coke Company," approved January 17th, 1855.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. If any officer, agent or employee of the Madison Gas Light & Coke Company shall willfully and designedly render a false statement of any meter used for the measurement of gas by said company, or shall willfully and with intent to defraud any consumer of gas in the city of Madison render a bill for a larger amount of gas than the meters used by said corporation register and measure, such officer, agent, or employee shall be deemed guilty of a misdemeanor, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars.

SECTION 2. The Board of Directors of said corporation shall have full control of the stock, property and concerns of said corporation, and it shall be lawful for them in the name of said corporation, to acquire either by purchase or lease upon such terms as they may deem expedient all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said corporation, and for the proper management of the same, they may grant, bargain, sell, convey, or lease, upon such time and terms as they deem for the best interest of the company, any real or personal estate belonging to said corporation and used for the purposes specified in said act of incorporation. But no stock shall be issued to Directors or other persons by said corporation unless the full amount of the same shall have been subscribed and paid for.

SECTION 3. If any officer, agent or employee of said corporation shall unlawfully appropriate to his own use any funds or property belonging to said corporation and shall refuse to pay over or account for the same when called upon to do so by the Board of Directors or the proper officer of said corporation, he shall be deemed guilty of embezzlement, and upon conviction thereof may be punished as provided by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

Approved February 17th, 1858.

Chapter XX, of the Private and Local Laws of the State of Wisconsin for 1858.



# STANDING RULES

## FOR THE GOVERNMENT OF THE COMMON COUNCIL

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1. The stated meetings of the Common Council shall be held at the Council Chamber on the second Friday in each month, at 7:30 P. M.

The mayor may, and upon the written request of one-third of the members of the Common Council, shall call a special meeting thereof for the consideration of such matters as shall be stated in such call or written request.

2. The presiding officer shall at the hour appointed call the members to order. In the absence of the presiding officer, the clerk, or in his absence, any member, may call the council to order, and thereupon, the council shall appoint a chairman to preside at such meeting.

3. The minutes of the last meeting shall then be read, and any mistakes therein corrected.

4. The clerk shall report the amount of money in the general fund liable to appropriation during the remainder of the fiscal year, and shall report to the council quarterly the unexpended balance of each item of the budget.

5. At all stated meetings, the following order shall be observed in disposing of business before the council:

*First*—Presentation of petitions, memorials, remonstrances and communications.

*Second*—Business presented by the mayor.

*Third*—Presentation of accounts and other claims against the city.

*Fourth*—Reports of officers.

*Fifth*—Reports of committees.

*Sixth*—Ordinances and resolutions may be introduced and considered.

*Seventh*—Miscellaneous.

No business shall be taken up out of said order, except by unanimous consent and without debate.

6. All ordinances, resolutions, memorials or other communications shall be in writing with a brief statement of their contents endorsed thereon, together with the name of the member presenting the same, and shall be delivered to the clerk and shall be read by him. Each committee to which any matter shall be referred, shall report thereon in writing, at the first stated meeting after such reference, unless further time is given by the council.

7. The presiding officer shall decide all questions of order, subject to an appeal to the council.

8. It shall be the duty of the presiding officer to preserve decorum; and if any member transgress the rules of the council, the presiding officer shall, or any member may, call such offending member to order, in which case the member called to order shall immediately sit down and be silent, unless permitted to explain, and the council, if appealed to, shall decide the matter.

9. Every member present, when a question is put, shall vote, unless the presiding officer or the council shall, for special reasons, excuse him.

10. When a motion is made and seconded, it shall be deemed to be in possession of the council, and shall be stated by the presiding officer, or, being in writing, shall be delivered to the clerk, and read by him previous to debate.

11. After a motion is stated by the presiding officer, or read by the clerk, it shall not be withdrawn, except by consent of the council.

12. All questions shall be put in this form: "As many as are of the opinion (as the case may be) say Aye; contrary, No;" and in doubtful cases, the presiding officer may direct, or any member may call for, a division.

13. When a member is about to speak to a question, or make a motion, he shall rise, and respectfully address the presiding officer, and the presiding officer shall pronounce the name of the member entitled to the floor; and the member shall confine himself to the question under consideration.

14. No member shall speak more than twice on any question nor more than ten minutes at any one time, without leave of three-fourths of the members present, expressed by a rising vote, and the same rule shall be observed in Committee of the Whole.

15. The standing committees of the council shall be appointed by the mayor, annually, and shall be as follows, and shall consist of five members each, except as otherwise provided:

Judiciary,  
Finance,  
Claims,  
Streets and Sewers,  
Street Lighting,  
Ordinances,  
City Property,  
Fire,  
Police,  
Licenses,  
Printing.

The committee on Streets and Sewers shall consist of the senior aldermen of each ward, and the committee on Street Lighting, of the junior aldermen from each ward.

The chairman of the committee on Streets and Sewers and of the committee on Street Lighting shall be selected by said committees respectively.

A majority of any committee shall constitute a quorum.

16. Committees shall make their reports in writing, and shall return the petition, resolution, account, or other paper submitted for consideration.

17. No account or other demand against the city shall be allowed until the same has been considered and reported upon by a committee of the council.

18. All reports and resolutions shall be filed with the clerk and entered on the minutes.

19. When a question is before the council, no motion shall be received except to adjourn, lay on the table, the previous question, to refer or to amend, which several questions shall have precedence in the order stated.

20. A motion to adjourn shall always be in order, unless the council is engaged in voting, and shall be decided without debate.

21. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on demand of three members, and, until decided, shall preclude all further amendment or debate of the main question, but shall not preclude pending amendments from being put before the main question.

22. Any member may call for a division of the question when the same will admit thereof.

23. The ayes and noes shall be taken and recorded upon any question before the council, upon the call of any two members. While the



clerk is calling the ayes and noes, the members shall vote inside the hall, and it shall not be in order for any member to explain his vote during the calling of the ayes and noes.

24. In case of a tie the mayor shall decide the same.

25. The names of the members shall be called in alphabetical order.

26. No ordinance shall be put on its final passage on the same day on which it was introduced.

27. The first reading of an ordinance proposed shall be for information, and all ordinances, and all resolutions or orders for the appropriation or payment of money, shall require for their passage or adoption the concurrence of a majority of all the aldermen. All ordinances shall have three separate readings, but the second and third reading shall never be had on the same day, and no claim or demand shall be allowed on the day on which it is presented. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to existing ordinances or sections thereof.

28. Upon the second reading of the ordinance, the presiding officer shall refer it to the appropriate committee.

29. An ordinance, after commitment and report thereon, may be recommitted at any time previous to its final passage.

30. Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the common council entered on the minutes.

31. All special committees shall be appointed by the presiding officer, unless otherwise directed by the council.

32. In forming the committee of the whole, the presiding officer shall leave the chair and appoint a chairman to preside, and the rules of proceeding in council shall be observed in committee of the whole, as far as the same may be applicable.

33. No member shall leave the council or committee of the whole without leave of absence, under penalty of five dollars for each offense, to be imposed by a vote of a majority of the members of the council.

34. No persons, except members and officers of the council, shall be allowed to come within the bar during the session of the council, without the permission of the presiding officer.

35. In the absence of a standing rule the council shall be guided by Jefferson's Manual.

36. At special meetings of the council, no business shall be trans-

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acted but that for which the meeting shall have been called, unless by unanimous consent.

37. It shall be in order for any member who voted in the majority on any question, or for any member who voted in the negative when the council was equally divided, to move a reconsideration of such vote, on the same or next succeeding regular meeting of the council. A motion to reconsider having been put and lost shall not again be in order.

38. The assent of two-thirds of all members of the council shall be required to suspend, alter or modify any of the foregoing rules.





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